BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

FILED
11-03-17
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Application of the City of Modesto for an Order Authorizing Construction of One New Grade Separated Crossing Below One Elevated Rail Line Operated by the Union Pacific Railroad Company at the proposed Tuolumne River Regional Park Gateway Parcel in the City of Modesto, State of California.	A1711001

APPLICATION

1. The City of Modesto "City" or "Applicant" respectfully requests authority from this Commission to construct one (1) proposed grade separated crossing (Tuolumne River Regional Park Gateway Parcel - Phase 2) below one (1) elevated rail vehicle track adjacent to the 7th Street Bridge in the City of Modesto for a Class 1 multi-use non-motorized recreational trail. The City of Modesto is making this request as the managing partner of the Tuolumne River Regional Park (TRRP) Joint Powers Authority (JPA) on behalf of the three (3) local partnering agencies (City of Modesto, Stanislaus County and City of Ceres).

2. In support of its application, Applicant asserts that its legal name is the City of Modesto, hereinafter referred to as "City," a political subdivision of the State of California.

3. All correspondence, communication notices, orders and other papers relative to this application should be addressed to:

   Nathan Houx
   Parks Planning and Development Manager
   1010 10th Street, Suite 4400
   P.O.Box 642
   Modesto, CA 95353

   This is the address of applicant and the attorneys for applicant.
   Applicant may also be reached via telephone at (209) 571-5526.
   Pursuant to Rule 2.1 (b), applicant consents to e-mail service to: nhoux@modestogov.com

4. This application and relief sought herein is filed pursuant to Sections 1201 through 1206, inclusive, of the Public Utilities Code of the State of California and is made in accordance with General Order 26-D and Rule 3.7 of the California Public Utilities Commission Rules of Practice and Procedure.

5. The Union Pacific Railroad (UPRR) Company "Railroad" is a corporation doing business as a common carrier operating a standard gauge railroad system in the State of California and said corporation owns and operates railroad tracks in the location of the project herein proposed to be constructed. The rail line consists of a single elevated track in the project area. The current railway operation consists of UPRR freight trains; totaling approximately twenty (20) trains per day with a speed limit on the rail of seventy (70) mph for freight trains.

6. The purpose of the proposed Class 1 multi-use non-motorized recreational trail is to allow a grade separated crossing below the elevated UPRR railway which will provide a safe and continual path in the TRRP Gateway Parcel that will implement the Americans with Disability Act (ADA) accessibility requirements, expand on recreational activities, allow suitable routes for park maintenance personnel and emergency responders requiring temporary access. The planned development will provide this scenic but necessary circulation within the park.

   The non-motorized circulation network that serves the TRRP Gateway Parcel from the downtown corridor is undeveloped and inadequate in this portion of the park. Improvements would not require substantial changes to the established UPRR right of way or environment.

7. This proposed Class 1 multi-use non-motorized recreational trail will provide a grade separated crossing below the elevated UPRR railway and will add capacity to the non-motorized circulation network to the adjacent downtown corridor and TRRP Gateway Parcel. It will improve the existing and future non-motorized transportation plan for the City. This project will serve as the extension to the current "Riverwalk Trail" segment along the Tuolumne River and will invigorate the southern development at the current city limits. It will also provide the most direct access from West to East Modesto divided by State Route 99.

8. The proposed project is the continued effort by the City and JPA to restore the regional park; and approximately sixteen (16) of seventy-five (75) undeveloped acres may be returned to its natural state and incorporate new outdoor opportunities for recreational experiences. This development would connect the City's downtown corridor's non-motorized circulation network to existing and planned park amenities that will be entirely ADA accessible for all types of outdoor activities. This grade separated crossing below the elevated UPRR railway will extend and connect trails to the Minor League Baseball stadium of John Thurman Field and the Municipal Golf Course in the underserved neighborhoods of West Modesto, new Beardbrook Park Dog Park to the east, and overall TRRP development consisting of the

terra formed features and the existing Class 1 multi-use non-motorized recreational trail system. The proposed location of the grade separated crossing below the elevated UPRR railway will occur between rail post mile 113.60 to114.00 and the trail's alignment would be placed along the northern bank of the Tuolumne River.

Therefore, the 7th Street Bridge and the elevated UPRR railway will not be impacted by the grade separated crossing as the installation will be at the existing grade elevation. As set forth in the project plans (**Exhibit C**) accompanying this application, horizontal and vertical clearances for the railroad track will comply with CPUC General Order 26-D.

9. The nearest public crossings along the single elevated rail vehicle track are:

   - B Street (CPUC No. 001B-113.60, DOT No. 752868B, UPRR Post Mile 113.6) to the west
   - River Road (CPUC No. -001B-114.00-B, DOT No. 752869H, UPRR Post Mile 114) to the east

   The proposed TRRP Gateway Parcel Class 1 multi-use non-motorized recreational trail is a grade separated crossing below the elevated UPRR railway. (Pending DOT No. 972580B)

TABLE 1

Crossing Name	Proposed CPUC Crossing Number
Riverwalk Trail (Eastbound & Westbound)	001B-113.91-B

10. The project began construction in July 2016 and it is expected to be substantially complete in November 2017. The contractor will be on site until at least November 2020 as they finalize the project; and substantial completion is anticipated in July 2018. The UPRR Setbacks have been marked by the City's survey crew and contractors have been directed to not encroach until the grade separated crossing below the UPRR elevated railway has been reviewed and approved by the UPRR. No construction shall begin on the UPRR right of way until the City and UPRR have executed a C&M agreement for the new structure.

11. The following exhibits are transmitted in support of the present application:

    - City Map attached hereto as **Exhibit A**.

- Location and Vicinity Map attached hereto as **Exhibit B**.
- General Plans, Elevations, and Cross Sections, are attached hereto as **Exhibit C**.
- Plats and Legal Description attached hereto as **Exhibit D**.
- A letter from the City of Modesto to the CPUC requesting approval of the decision granting authorization to construct the new grade separated crossing below the UPRR elevated railway structure in the proposed TRRP Gateway Parcel Phase 2 project is attached hereto as **Exhibit E**.
- Certificate of Service attached hereto as **Exhibit F**.
- The approved Addendum to the Tuolumne River Regional Park Master Environmental Impact Report and Gateway Precise Plan – Initial Study/Finding of Conformance for the Tuolumne River Regional Park Gateway Parcel Phase 2 project (SCH#2005062005) is attached hereto as **Exhibit G**.

12. Copies of all Exhibits have been sent electronically to the Union Pacific Railway Company. The cost of the grade separated crossing below the UPRR elevated railway in the Tuolumne River Regional Park Gateway Parcel will be completely funded by the City of Modesto.

13. The City of Modesto is the lead agency for this project. The project has been developed so as to give detailed consideration to the potential impact upon the quality of the environment. In September 2005, the City filed a Notice of Determination as required by CEQA. Environmental impacts and the associated mitigation measures are included in the approved Final Master Environmental Impact Report, Draft Master Environmental Impact Report, Initial Study and Addendum associated with this proposed project (**Exhibit G**). The City of Modesto is responsible to ensure implementation of the mitigation measures.

WHEREFORE, Applicant respectfully requests:

1. That the Public Utilities Commission of the State of California issue an order authorizing the construction of the proposed grade separated crossings below the elevated UPRR railway on the plans and specifications set forth in **Exhibit C** pursuant to the provisions of Sections 1201 through 1206, inclusive, of the Public Utilities Code.

2. The project will be constructed on the terms and conditions and divisions of costs and expenses as are or may be provided for in the agreement, if necessary, entered into between said parties or, in the event the parties fail to agree in the future, upon such terms as will be determined by the Commission according to law.

3. If necessary, Railroad to be required to provide necessary flagging upon 30 days of written request of applicant, the costs thereof to be reimbursed by Applicant to Railroad.

4. That the Commission find that the Addendum submitted pursuant to Division 13 of the Public Resources Code, California Environmental Quality Act, and 42 U.S.C. 4332(2)(c) and 49 U.S.C. 303 satisfy the applicable state and federal environmental laws.

5. That the order provides three (3) years from the date of any such order within which to complete the proposed project.

Dated at Modesto, California, this 3rd day of November, 2017.

CITY OF MODESTO
PARKS PLANNING AND DEVELOPMENT DIVISION

Nathan Houx
Parks Planning and Development Manager

VERIFICATION

I, NATHAN HOUX, am the Parks Planning and Development Manager for the City of Modesto Parks, Recreation and Neighborhoods Department, the applicant in the proceeding entitled above. I have read the foregoing Application and know the contents thereof, and the same is true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 3, 2017 in Modesto, California

Nathan Houx
Parks Planning and Development Manager

Scoping Memo Information for Applications

A. Category (Check the category that is most appropriate)

☐ **Adjudicatory** - "Adjudicatory" proceedings are: (1) enforcement investigations into possible violations of any provision of statutory law or order or rule of the Commission; and (2) complaints against regulated entities, including those complaints that challenge the accuracy of a bill, but excluding those complaints that challenge the reasonableness of rates or charges, past, present, or future, such as formal rough crossing complaints (maximum 12 month process if hearings are required).

☑ **Ratesetting** - "Ratesetting" proceedings are proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities), or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities). "Ratesetting" proceedings include complaints that challenge the reasonableness of rates or charges, past, present, or future. Other proceedings may also be categorized as ratesetting when they do not clearly fit into one category, such as railroad crossing applications (maximum 18 month process if hearings are required).

☐ **Quasi-legislative** - "Quasi-legislative" proceedings are proceedings that establish policy or rules (including generic ratemaking policy or rules) affecting a class of regulated entities, including those proceedings in which the Commission investigates rates or practices for an entire regulated industry or class of entities within the industry.

B. Are hearings necessary? ☐ Yes ☑ No

If yes, identify the material disputed factual issues on which hearings should be held, and the general nature of the evidence to be introduced. Railroad crossing applications which are not controversial usually do not require hearings.

_____

_____

_____

_____

Are public witness hearings necessary? ☐ Yes ☑ No

Public witness hearings are set up for the purpose of getting input from the general public and any entity that will not be a party to the proceeding. Such input usually involves presenting written or oral statements to the presiding officer, not sworn testimony. Public witness statements are not subject to cross-examination.

C. Issues - List here the specific issues that need to be addressed in the proceeding.

N/A

D. Schedule (Even if you checked "No" in B above) Should the Commission decide to hold hearings, indicate here the proposed schedule for completing the proceeding within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting or quasi-legislative).

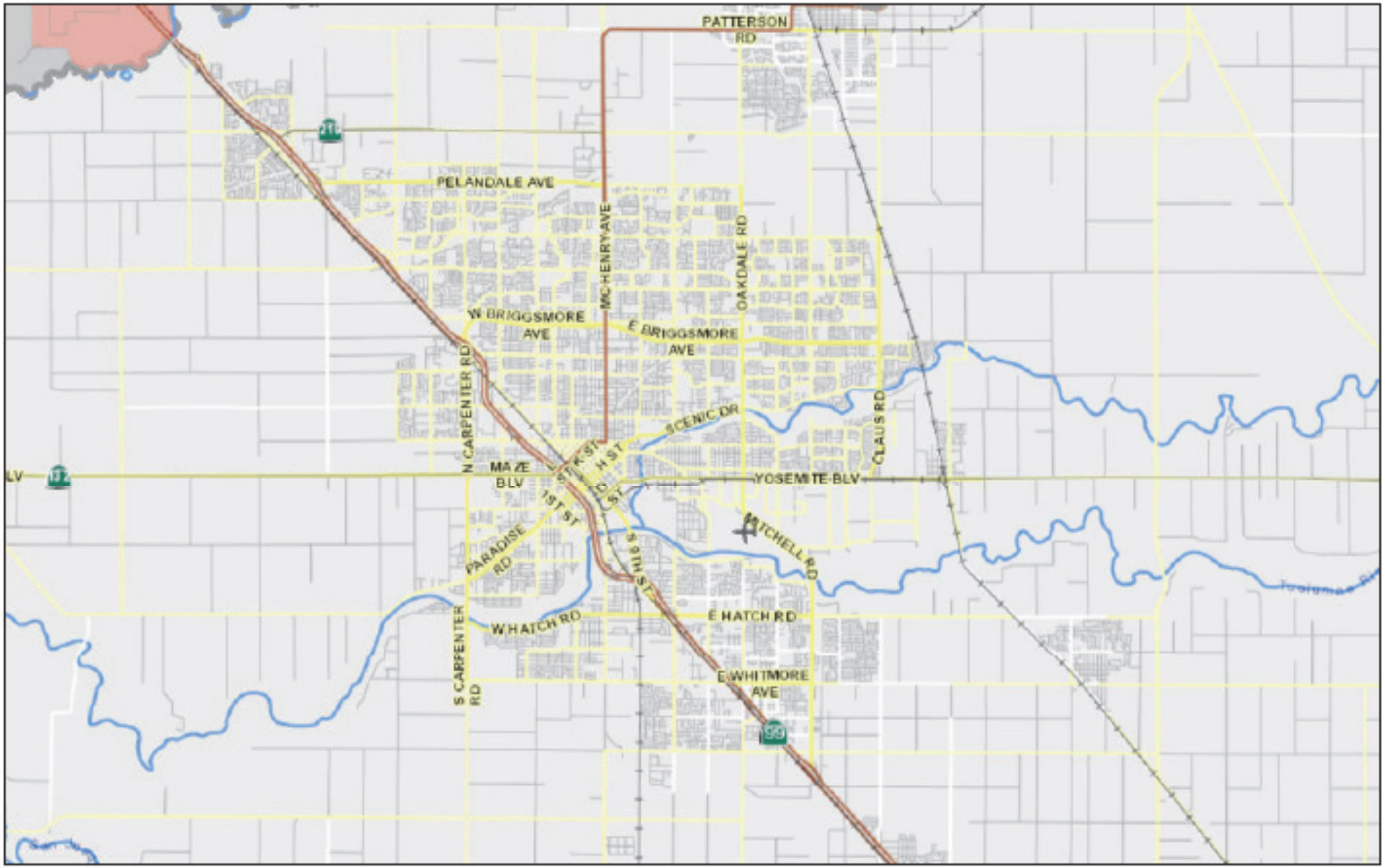
The schedule should include proposed dates for the following events as needed:

N/A	Prehearing conference
N/A	Hearings
N/A	Briefs due
11/3/17	Submission
2/1/18	Proposed decision (90 days after submission)
4/2/18	Final decision (60 days after proposed decision is mailed)

EXHIBIT A

CITY MAP

City Map



January 30, 2017

1:126,720

0 1 2 4 mi

0 1.75 3.5 7 km

Web AppBuilder for ArcGIS

EXHIBIT B

LOCATION AND VICINITY MAP

1. **Parcel Map for Information Center Request**

EXHIBIT A

EXHIBIT C

PLANS

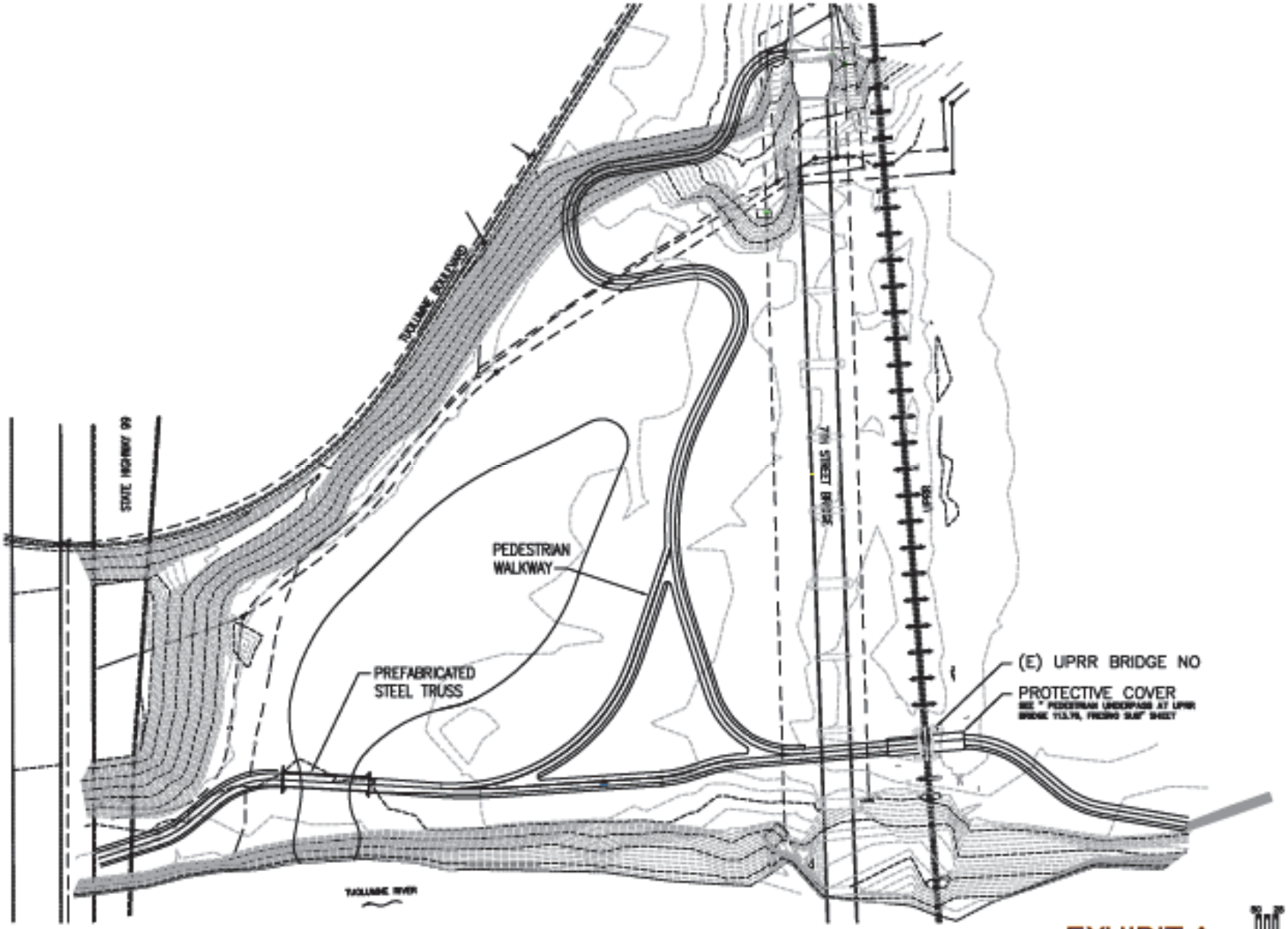


EXHIBIT A

SCALE: 1" = 80'-0"

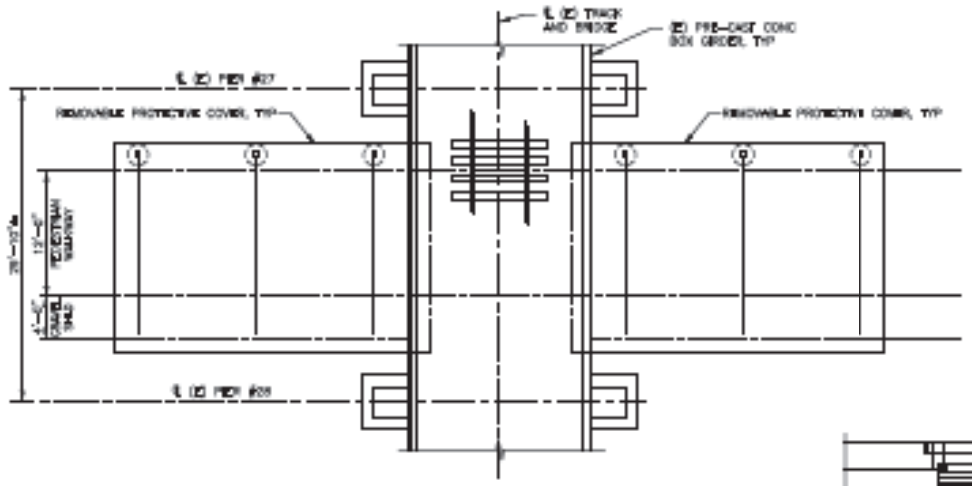
north

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

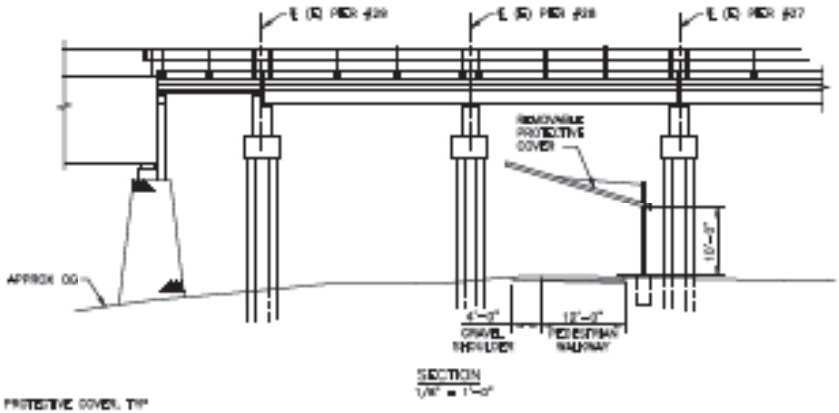
MODESTO

GENERAL ARRANGEMENT

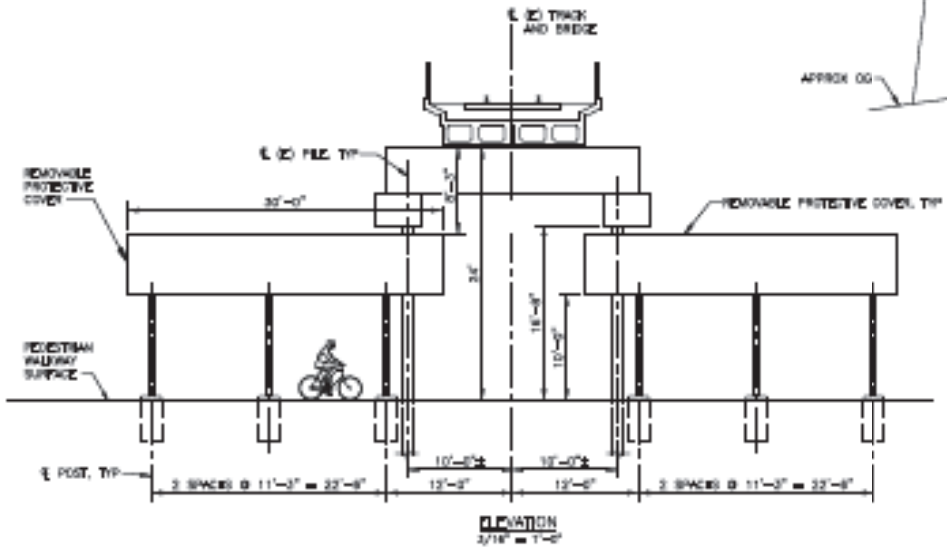
AECOM



PLAN
3/16" = 1'-0"



SECTION
1/8" = 1'-0"



ELEVATION
3/16" = 1'-0"

EXHIBIT A

EXHIBIT D

PLATS AND LEGAL DESCRIPTIONS

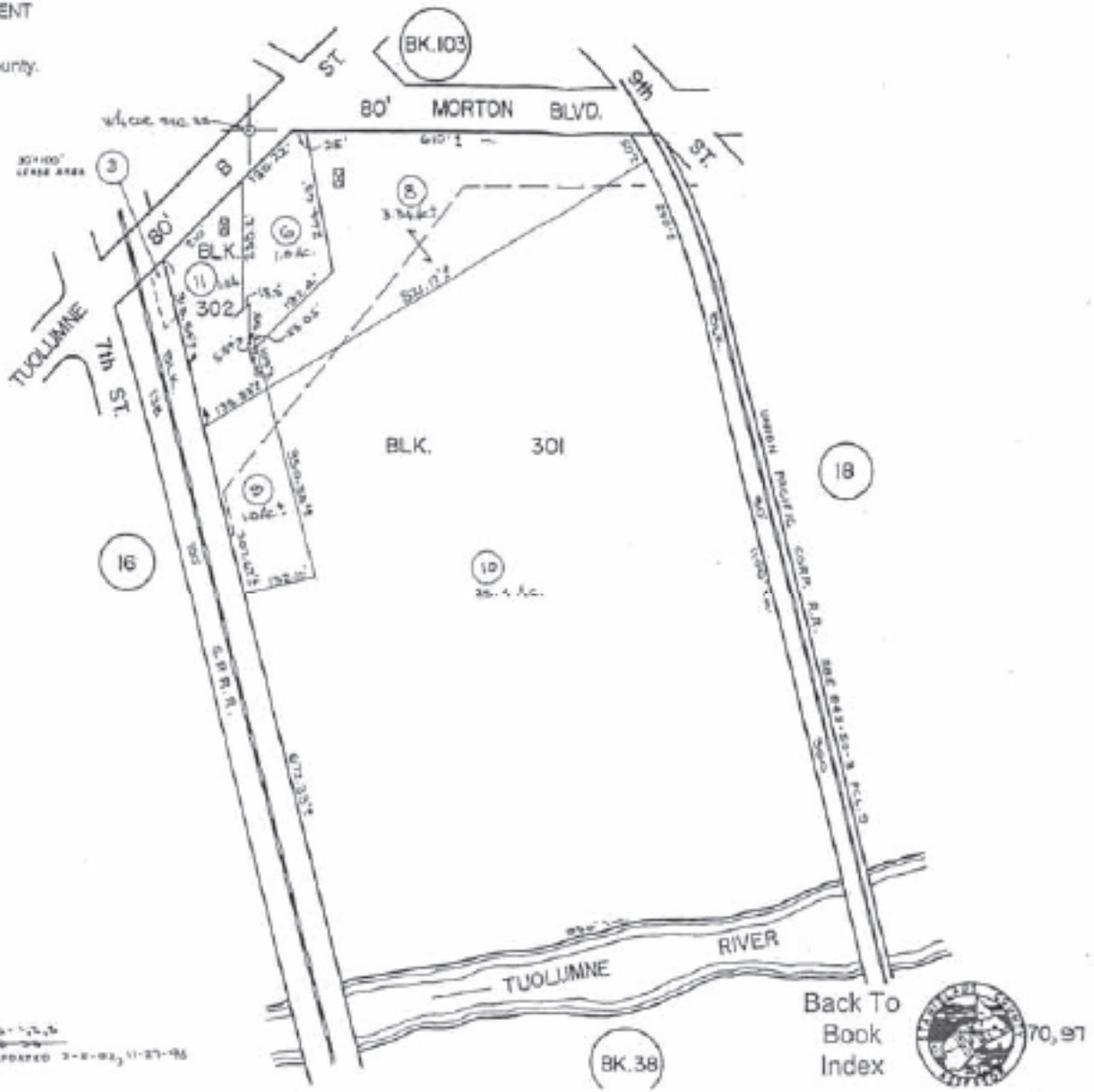
Gateway Parcels

PORTION SECTIONS 32 & 33 T.3S. R.9E. M.D.B.&M.

CITY OF MODESTO – BLOCKS 300, 301, 302 & POR. BLOCK 138

002 001
002 173

102-17



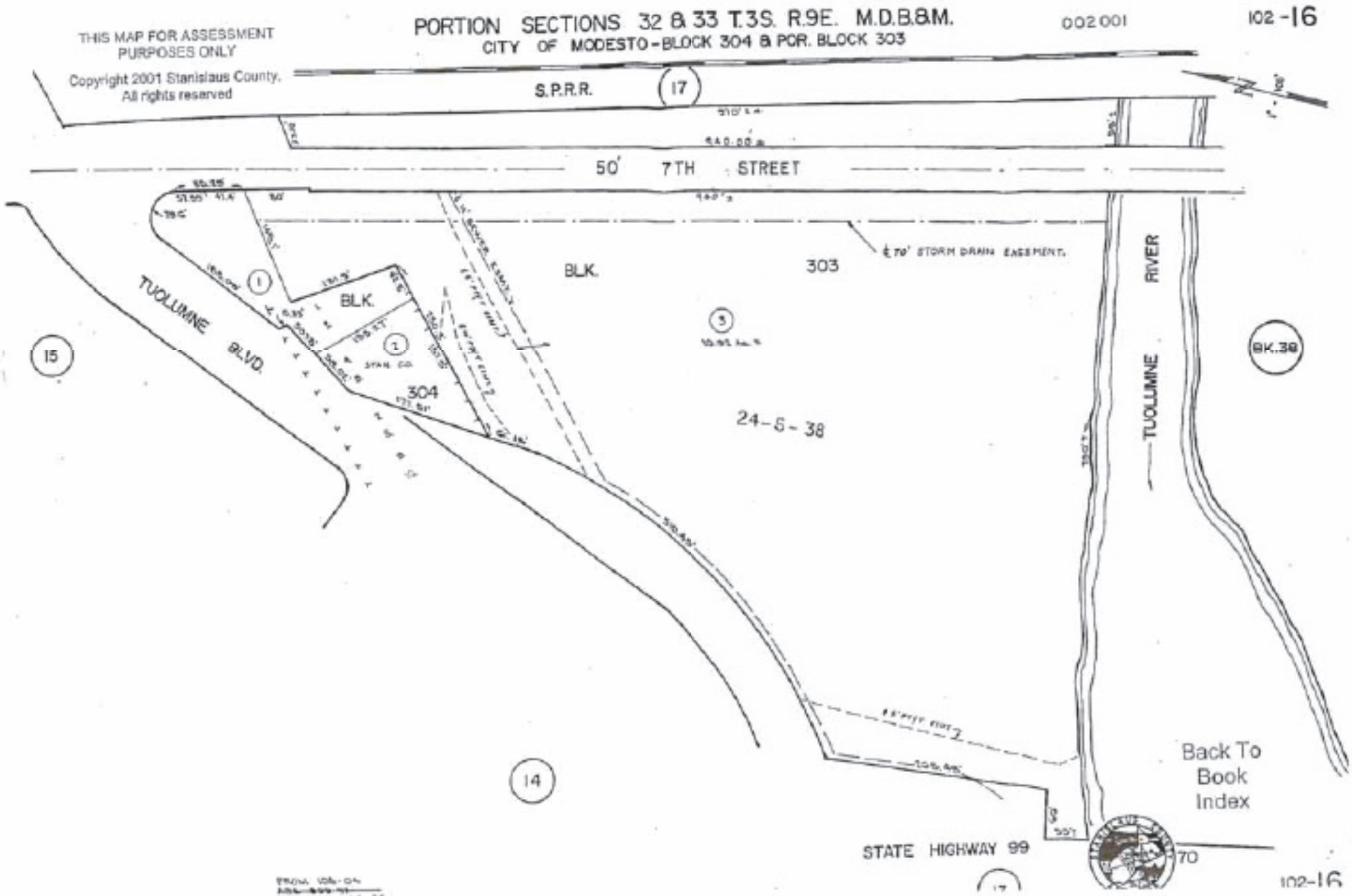

PORTION SECTIONS 32 & 33 T.3S. R.9E. M.D.B.&M.
CITY OF MODESTO - BLOCK 304 & POR. BLOCK 303
002 001
102-16
THIS MAP FOR ASSESSMENT PURPOSES ONLY
Copyright 2001 Stanislaus County, All rights reserved
S.P.R.R.
17
50' 7TH STREET
BLK.
303
BLK.
304
TUOLUMNE BLVD.
TUOLUMNE RIVER
24-S-38
BK.38
15
14
STATE HIGHWAY 99
70
Back To Book Index
102-16

EXHIBIT "A"

The land referred to in this Deed and described hereafter is situated in the State of California, County of Stanislaus, City of Modesto

PARCEL NO. 1:

BLOCK 308 OF THE CITY OF MODESTO, ACCORDING TO THE OFFICIAL MAP FILED DECEMBER 21, 1942 IN VOLUME 15 OF MAPS, STANISLAUS COUNTY RECORDS.

EXCEPTING THEREFROM THAT PORTION THEREOF INCLUDED IN THE SUBDIVISION OF A PORTION OF BLOCK 308 OF THE CITY OF MODESTO DESCRIBED AS LOTS 1 TO 20 INCLUSIVE, ACCORDING TO THE MAP THEREOF RECORDED OCTOBER 4, 1938 IN VOLUME 11 OF MAPS, PAGE 49, STANISLAUS COUNTY RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12 IN SAID BLOCK 308; THENCE ALONG THE WEST LINE OF SAID BLOCK 308, NORTH 0° 43' WEST 54.00 FEET; THENCE SOUTH 88° 25' 30" EAST 130.21 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 13; THENCE SOUTH 39° 57' WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOTS 13 AND 12 AND ITS EXTENSION THEREOF, A DISTANCE OF 132.55 FEET; THENCE NORTH 88° 25' 30" WEST 43.78 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 308; THENCE ALONG SAID WEST LINE, NORTH 0° 43' WEST 50.00 FEET TO THE POINT OF BEGINNING.

APN: 102-13-13

PARCEL NO. 2: APN:102-017-010

BLOCK 301 OF THE CITY OF MODESTO, ACCORDING TO THE OFFICIAL MAP FILED ON DECEMBER 21, 1942 IN VOLUME 15 OF MAPS, STANISLAUS COUNTY RECORDS. LOCATE IN SECTION 32 AND 33, TOWNSHIP 3 SOUTH RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

EXCEPTING THEREFROM ALL THAT PORTION OF BLOCK 301 DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF BLOCK 302 OF SAID CITY OF MODESTO, SAID POINT BEING ON THE SOUTHEASTERLY LINE OF AN 80 FOOT WIDE "B" STREET; THENCE SOUTH 0° 18' 14" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 302 A DISTANCE OF 238.20 FEET TO THE SOUTHEASTERLY CORNER OF SAID BLOCK 302; THENCE NORTH 46° 23' 39" EAST ALONG THE NORTHEASTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID BLOCK 302 A DISTANCE OF 18.03 FEET TO THE EAST LINE OF SAID SECTION 32; THENCE SOUTH 0° 08' 14" EAST ALONG SAID EAST LINE OF SECTION 32 A DISTANCE OF 59.06 FEET; THENCE NORTH 46° 30' 30" EAST PARALLEL WITH SAID SOUTHEASTERLY LINE OF "B" STREET A DISTANCE OF 5.54 FEET; THENCE SOUTH 13° 40' 29" EAST PARALLEL WITH THE EASTERLY LINE OF BLOCK 138 OF SAID CITY OF MODESTO, BEING ALSO THE EASTERLY LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY, A DISTANCE OF 23.05 FEET; THENCE NORTH 46° 30' 30" EAST PARALLEL WITH SAID SOUTHEASTERLY LINE OF "B" STREET A DISTANCE OF 192.41 FEET; THENCE NORTH 9° 26' 36" WEST 264.23 FEET TO THE SOUTH LINE OF AN 80 FOOT WIDE MORTON BOULEVARD, BEING ALSO THE NORTH LINE OF SAID BLOCK 301; THENCE SOUTH 89° 54' 41" WEST ALONG SAID SOUTH LINE OF MORTON BOULEVARD A DISTANCE OF 25.00 FEET TO SAID SOUTHEASTERLY LINE OF "B" STREET; THENCE SOUTH 46° 30' 30" WEST ALONG SAID SOUTHEASTERLY LINE OF "B" STREET, BEING ALSO THE NORTHWESTERLY LINE OF SAID BLOCK 301, A DISTANCE OF 130.22 FEET TO THE POINT OF BEGINNING.

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ALSO EXCEPTING THEREFROM ALL THAT PORTION OF BLOCK 301 DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST NORTHERLY CORNER OF BLOCK 302 OF SAID CITY OF MODESTO, SAID POINT BEING ON THE SOUTHEASTERLY LINE OF AN 80 FOOT WIDE "B" STREET; THENCE SOUTH 0° 08' 14" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 302 A DISTANCE OF 238.20 FEET TO THE SOUTHEASTERLY CORNER OF SAID BLOCK 302 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 46° 23' 39" EAST ALONG THE NORTHEASTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID BLOCK 302 A DISTANCE OF 18.03 FEET TO THE EAST LINE OF SAID SECTION 32; THENCE SOUTH 0° 08' 14" EAST ALONG SAID EAST LINE OF SECTION 32 A DISTANCE OF 59.06 FEET; THENCE NORTH 46° 30' 30" EAST PARALLEL WITH SAID SOUTHEASTERLY LINE OF "B" STREET A DISTANCE OF 5.54 FEET; THENCE SOUTH 13° 40' 29" EAST PARALLEL WITH THE EASTERLY LINE OF BLOCK 138 OF SAID CITY OF MODESTO, BEING ALSO THE EASTERLY LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, A DISTANCE OF 438.38 FEET; THENCE SOUTH 76° 19' 31" WEST PERPENDICULAR TO SAID EASTERLY LINE OF BLOCK 138 A DISTANCE OF 132.10 FEET TO SAID EASTERLY LINE OF BLOCK 138; THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE OF BLOCK 138 THE FOLLOWING 2 COURSES:
1. NORTH 13° 40' 29" WEST 391.70 FEET, AND
2. NORTHWESTERLY 35.03 FEET ALONG A TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5779.65 FEET, AND A CENTRAL ANGLE OF 0° 20' 50" TO THE SOUTHWESTERLY CORNER OF SAID BLOCK 302; THENCE NORTH 46° 23' 39" EAST ALONG SAID SOUTHEASTERLY LINE OF BLOCK 302 A DISTANCE OF 144.93 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 3:

BLOCK 229 OF THE CITY OF MODESTO, ACCORDING TO THE OFFICIAL MAP FILED ON DECEMBER 21, 1942 IN VOLUME 15 OF MAPS, STANISLAUS COUNTY RECORDS.

EXCEPTING THEREFROM:
THAT PORTION OF BLOCK 229 OF THE CITY OF MODESTO, ACCORDING TO THE OFFICIAL MAP THEREOF AWARDED TO THE CITY OF MODESTO, A MUNICIPAL CORPORATION THROUGH STANISLAUS COUNTY SUPERIOR COURT CASE NUMBER 15617 IN WHICH A JUDGMENT ON VERDICT WAS FILED JANUARY 9, 1935 AND A FINAL JUDGMENT OF CONDEMNATION RECORDED MARCH 6, 1935 IN VOLUME 558 OF OFFICIAL RECORDS, PAGE 49, STANISLAUS COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT A POINT WHERE THE CENTER LINE DESIGNATED AS THE "B" LINE OF THE DEPARTMENT OF PUBLIC WORKS' SURVEY FOR A PORTION OF STATE HIGHWAY X-STA-4-B, INTERSECTS THE NORTH BOUNDARY LINE OF AFORESAID BLOCK 229 OF THE CITY OF MODESTO, THE SAME BEING THE SOUTH LINE OF MORTON BOULEVARD, SAID POINT BEING DESIGNATED AS ENGINEER'S STATION "B" 801-60.44 OF SAID SURVEY AND BEING 818.2 FEET EASTERLY ALONG THE SOUTH LINE OF SAID MORTON BOULEVARD FROM A BRASS BOLT IN A 1-1/2" PIPE SET TO MARK THE QUARTER CORNER IN THE WEST LINE OF SECTION 33, T. 3 S., R.9 E., M.D.B. & M.; THENCE FROM SAID POINT OF COMMENCEMENT S. 89° 56' E., 54.65 FEET ALONG THE NORTH LINE OF SAID BLOCK 229; THENCE FROM A TANGENT THAT BEARS S. 42° 37' 52" E., BY A CURVE TO THE RIGHT, HAVING A RADIUS OF 4840 FEET, FOR A DISTANCE OF 1588.20 FEET, MORE OR LESS, TO A POINT IN MID-CHANNEL OF THE TUOLUMNE RIVER, 40 FEET NORTHEASTERLY RADIALLY OPPOSITE AFORESAID "B" CENTERLINE; THENCE FOLLOWING ALONG MID-CHANNEL OF SAID RIVER S. 74° 30' W., 80.87 FEET TO A POINT 40 FEET SOUTHWESTERLY RADIALLY OPPOSITE SAID "B" CENTERLINE; THENCE IN A NORTHWESTERLY DIRECTION, CONCENTRIC WITH SAID CENTERLINE AND 40 FEET SOUTHWESTERLY THEREFROM, BY A CURVE TO THE LEFT, HAVING A RADIUS OF 4760 FEET, FOR A DISTANCE OF 1589.69 FEET, MORE OR LESS, TO A POINT IN THE EASTERLY RIGHT OF WAY BOUNDARY OF TIDEWATER SOUTHERN RAILROAD; THENCE FOLLOWING ALONG SAID RAILROAD RIGHT OF WAY BOUNDARY LINE, FROM A TANGENT THAT BEARS N. 30° 26' W., BY A CURVE TO THE LEFT HAVING A RADIUS OF 1158.28 FEET, THROUGH A CENTRAL ANGLE OF 1° 28', A DISTANCE OF 29.66 FEET TO A POINT IN THE NORTH BOUNDARY LINE OF AFORESAID BLOCK 229; THENCE ALONG LAST SAID LINE S. 89° 56' E., 46.39 FEET TO THE POINT OF COMMENCEMENT.

APN:102-016-003

PARCEL NO. 4:

ALL THAT PORTION OF BLOCK 303 OF THE CITY OF MODESTO, ACCORDING TO THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON DECEMBER 21, 1942 IN VOLUME 15 OF MAPS, LYING EAST OF THE EASTERLY LINE OF THE PROPERTY HERETOFORE CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED JUNE 8, 1962 IN VOLUME 1773 OF OFFICIAL RECORDS, AT PAGE 1, AS INSTRUMENT NO. 22121.

EXCEPTING FROM SAID PORTION OF BLOCK 303 THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID BLOCK 303; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF TUOLUMNE BOULEVARD 161.8 FEET TO THE MOST NORTHEASTERLY CORNER OF LOT 1 IN BLOCK 304 OF SAID CITY OF MODESTO; THENCE SOUTH 30° 07' EAST ALONG THE NORTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 27.2 FEET; THENCE NORTH 52° 38' EAST 145.1 FEET TO THE SOUTHWEST LINE OF SEVENTH STREET; THENCE NORTHWEST ALONG THE SOUTHWEST LINE OF SAID SEVENTH STREET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

COMMENCING AT THE QUARTER SECTION CORNER COMMON TO SECTIONS 32 AND 33, SAID TOWNSHIP AND RANGE; THENCE SOUTH 89° 43' WEST 188.05 FEET; SOUTH 0° 17' EAST 567.00 FEET TO A POINT ON THE WESTERLY LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, WHICH POINT IS ALSO ON THE EASTERLY LINE OF SEVENTH STREET; SOUTH 52° 38' WEST 87.10 FEET TO A POINT ON THE WESTERLY LINE OF SEVENTH STREET AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 52° 38' WEST 122.50 FEET TO A POINT ON THE EASTERLY LINE OF BLOCK 304, CITY OF MODESTO; NORTH 30° 07' WEST 72.95 FEET TO A POINT SOUTH 30° 07' EAST 27.20 FEET FROM THE NORTHEAST CORNER OF SAID BLOCK 304; NORTH 52° 38' EAST 145.10 FEET TO THE WESTERLY LINE OF SEVENTH STREET TO A POINT SOUTH 13° 40' EAST 47.4 FEET FROM THE NORTHEAST CORNER OF SAID BLOCK 303; SOUTH 13° 40' EAST 80.00 FEET ALONG THE WESTERLY LINE OF SEVENTH STREET TO THE POINT OF BEGINNING.

THE ABOVE COURSES AND DISTANCES ARE ACCORDING TO SURVEY NO. 749 MADE MARCH 8, 1926 AND FILED IN VOLUME 8 OF SURVEYS, AT PAGE 189, IN THE OFFICE OF THE COUNTY SURVEYOR, STANISLAUS COUNTY, CALIFORNIA.

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PARCEL NO. 5:

THAT CERTAIN PARCEL OF LAND SITUATED IN SECTION 32, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN, BEING A PORTION OF BLOCK 303 OF THE CITY OF MODESTO, AND WHICH PARCEL IS REFERRED TO AS THE "RIVERSIDE SALOON LOT" IN DEED FROM BERNARD LECUSSAN TO THE COUNTY OF STANISLAUS FILED JANUARY 12, 1903 IN VOLUME 78 OF DEEDS, AT PAGE 430, STANISLAUS COUNTY RECORDS AND DESCRIBED AS:

COMMENCING AT THE QUARTER SECTION CORNER COMMON TO SECTIONS 32 AND 33, SAID TOWNSHIP AND RANGE; THENCE SOUTH 89° 43' WEST 188.05 FEET; SOUTH 0° 17' EAST 567.00 FEET TO A POINT ON THE WESTERLY LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, WHICH POINT IS ALSO ON THE EASTERLY LINE OF SEVENTH STREET; SOUTH 52° 38' WEST 87.10 FEET TO A POINT ON THE WESTERLY LINE OF SEVENTH STREET AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 52° 38' WEST 122.50 FEET TO A POINT ON THE EASTERLY LINE OF BLOCK 304, CITY OF MODESTO; NORTH 30° 07' WEST 72.95 FEET TO A POINT SOUTH 30° 07' EAST 27.20 FEET FROM THE NORTHEAST CORNER OF SAID BLOCK 304; NORTH 52° 38' EAST 145.10 FEET TO THE WESTERLY LINE OF SEVENTH STREET TO A POINT SOUTH 13° 40' EAST 47.4 FEET FROM THE NORTHEAST CORNER OF SAID BLOCK 303; SOUTH 13° 40' EAST 80.00 FEET ALONG THE WESTERLY LINE OF SEVENTH STREET TO THE POINT OF BEGINNING.

THE ABOVE COURSES AND DISTANCES ARE ACCORDING TO SURVEY NO. 749 MADE MARCH 8, 1926 AND FILED IN VOLUME 8 OF SURVEYS, PAGE 189, IN THE OFFICE OF THE COUNTY SURVEYOR, STANISLAUS COUNTY, CALIFORNIA.

PARCEL NO. 6:

ALL THAT PORTION OF BLOCK 303 OF THE CITY OF MODESTO, ACCORDING TO THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON DECEMBER 21, 1942 IN VOLUME 15 OF MAPS, LYING WEST OF THE WESTERLY LINE OF THE PROPERTY HERETOFORE CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED JUNE 8, 1962 IN VOLUME 1773 OF OFFICIAL RECORDS, AT PAGE 1, AS INSTRUMENT NO. 22121.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PORTION OF BLOCK 303 OF THE CITY OF MODESTO ACCORDING TO THE OFFICIAL MAP THEREOF, FILED FOR RECORD IN VOLUME 15 OF MAPS, STANISLAUS COUNTY RECORDS:

COMMENCING AT AN 1 1/4" IRON PIPE MARKING THE NORTHEAST CORNER OF LOT 15, BLOCK 308, OF SAID CITY OF MODESTO, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF A 60 FOOT WIDE FAIRWAY DRIVE; THENCE SOUTH 88° 22' 21" EAST ALONG THE EASTERLY EXTENSION OF SAID SOUTH LINE OF FAIRWAY DRIVE A DISTANCE OF 20.01 FEET TO THE WEST LINE OF SAID BLOCK 303 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 88° 22' 21" EAST ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF FAIRVIEW DRIVE A DISTANCE OF 96.00 FEET; THENCE NORTH 44° 05' 00" EAST 172.40 FEET MORE OR LESS TO THE SOUTHWESTERLY LINE OF PROPERTY DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JUNE 8, 1962 IN VOLUME 1773 OF OFFICIAL RECORDS, PAGE 1, AS INSTRUMENT NO. 22121, STANISLAUS COUNTY RECORDS; THENCE WESTERLY ALONG SAID SOUTHWESTERLY LINE OF STATE OF CALIFORNIA PROPERTY THE FOLLOWING THREE COURSES:

1. NORTH 10° 13' 45" WEST 4.13 FEET,
2. NORTH 70° 57' 47" WEST 198.62 FEET, AND
3. SOUTH 34° 12' 09" WEST 50.00 FEET TO SAID WEST LINE OF BLOCK 303; THENCE SOUTH 0° 16' 11" EAST ALONG SAID EAST LINE OF BLOCK 303, BEING ALSO THE WEST RIGHT-OF-WAY LINE OF 30 FEET WIDE CLIFF DRIVE, A DISTANCE OF 148.61 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL NO. 7:
AN EASEMENT FOR ROADWAY PURPOSES ACROSS A PORTION OF THE FOLLOWING DESCRIBED PROPERTY:

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN INSTRUMENT NO. 1606, RECORDED JANUARY 19, 1951 IN VOLUME 1025, PAGE 25, AND INSTRUMENT NO. 3900, RECORDED FEBRUARY 16, 1951 IN VOLUME 1024, PAGE 351, ALL IN OFFICIAL RECORDS OF STANISLAUS COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF BLOCK 304, PER MAP FILED DECEMBER 21, 1942 IN VOLUME 15 OF MAPS, STANISLAUS COUNTY RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID BLOCK 304 AND THE NORTHERLY BOUNDARY OF AFORESAID CERTAIN REAL PROPERTY THE FOLLOWING COURSES: (1) S. 88° 21' 41" E., 228.00 FEET; (2) S. 29° 33' 00" E., 137.22 FEET; (3) N. 46° 41' 35" E., 31.53 FEET; (4) S. 42° 50' 00" E., 21.72 FEET; AND (5) N. 47° 10' 00" E., 674.85 FEET; THENCE (6) S. 4° 31' 54" W., 61.18 FEET; THENCE (7) FROM A TANGENT THAT BEARS S. 9° 38' 38" W., ALONG A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 650 FEET, THROUGH AN ANGLE OF 44° 59' 41", A DISTANCE OF 510.45 FEET; THENCE (8) S. 5° 00' 14" E., 265.48 FEET; THENCE (9) S. 89° 46' 15" W., 60.00 FEET; THENCE (10) S. 10° 13' 45" E., 46 FEET, MORE OR LESS, TO A POINT IN THE NORTH BANK OF THE TUOLUMNE RIVER; THENCE (11) WESTERLY ALONG SAID NORTH BANK 205 FEET, MORE OF LESS, TO A LINE THAT BEARS S. 11° 54' 50"

EXHIBIT E

LETTER FROM
THE CITY OF MODESTO
TO CPUC

November 3, 2017

Mr. Marvin Kennix
Utilities Engineer
CPUC - California Public Utilities Commission Docket Office, Room 2001
505 Van Ness Avenue
San Francisco, CA 94102

Subject: City of Modesto, Tuolumne River Regional Park Gateway Parcel Phase 2, CPUC Crossing No.001B-113.60 to 001B-114.00-B

Dear Mr. Kennix:

The City of Modesto is seeking the approval for the Tuolumne River Regional Park Gateway Parcel Phase 2 project, which consists of a Class 1 multi-use non-motorized recreational trail that crosses below the elevated railway between CPUC No.001B-113.60 and 001B-114.00-B. The proposed Class 1 multi-use non-motorized recreational trail crossing below the elevated Union Pacific Railroad railway, which crosses over the Tuolumne River, connects the Gateway Parcel's east to west trail circulation system. It is anticipated that the low impact development will not adversely affect the existing operations of the elevated railway.

The City of Modesto and the local regional partners (including Stanislaus County and City of Ceres) have been awarded $2.2 million in grant funds from Proposition 84 River Parkways and the Land and Water Conservation Fund program to expand in the efforts of river restoration and natural resources in the Gateway Parcel currently in construction. We certify that sufficient funds to operate and maintain the trail project will be consistent with the land tenure requirements.

Therefore, the City of Modesto would like to request that the TRRP Gateway Phase 2 project and its Class 1 multi-use non-motorized recreational trail that crosses below the elevated UPRR railway will be approved.

If you have any questions or need any additional information, please call me at (209) 571-5526 or email me at nhoux@modestogov.com.

Sincerely,

Nathan Houx
Parks Planning and Development Manager

cc: Jason A. Ortega
Enclosures

EXHIBIT F

CERTIFICATE OF SERVICE

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Modesto for an Order Authorizing Construction of One New Grade Separated Crossing Below One Elevated Rail Line Operated by the Union Pacific Railroad Company at the proposed Tuolumne River Regional Park Gateway Parcel in the City of Modesto, State of California.

Application No. _____

Certificate of Service

I, Nathan Houx, of the City of Modesto certify that I have this day mailed a copy of the attached Application (Tuolumne River Regional Park Gateway Parcel - Phase 2 CPUC Application), Exhibit, and Notice of Availability in the above captioned proceeding s by E-mail to each party named in the following service list, on this 3rd day of November, 2017 from Modesto, California.

By: _____
Nathan Houx
Parks Planning and Development Manager

Service List

Parties:

Kevin Yoder
Manager Industry and Public Projects
Union Pacific Railroad Company
9451 Atkinson Street
Roseville, California 95747
kayoder@up.com

Anne E. Simon
Acting Chief Administrative Law Judge
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
anne.simon@cpuc.ca.gov

Marvin Kennix
Utilities Engineer
California Public Utilities Commission
Rail Crossings and Engineering Branch
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marvin.kennix@cpuc.ca.gov

Michael Robertson, P.E., Program Manager
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Anton Garabetian, P.E.
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E-Mail Only

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Supervisor, Rail Crossings and Engineering Branch, California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
felix.ko@cpuc.ca.gov

EXHIBIT G

ADDENDUM
(INITIAL STUDY/FINDING OF CONFORMANCE)

Addendum to the Tuolumne River Regional Park
Master Environmental Impact Report and Gateway Precise Plan
Initial Study/Finding of Conformance

Tuolumne River Regional Park Gateway Parcel Phase 2
Modesto, California

SCH No. 2005062005

Prepared for:

City of Modesto

AECOM

July 2015

Addendum to the Tuolumne River Regional Park
Master Environmental Impact Report and Gateway Precise Plan
Initial Study/Finding of Conformance

Tuolumne River Regional Park Gateway Parcel Phase 2
Modesto, California

Prepared for:

City of Modesto
Parks, Recreation, and Neighborhoods
P.O. Box 642
Modesto, CA 95353

Contact:

Nathan Houx
Parks Project Coordinator

Prepared by:

AECOM
2020 L Street, Suite 400
Sacramento, CA 95811

Contact:

Andrea Shephard PhD
CEQA Task Leader
916/414-5800

AECOM

July 2015

60335626
07.08.15

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1 INTRODUCTION

1.1 BACKGROUND

A master environmental impact report (Master EIR) for the Tuolumne River Regional Park (TRRP) Master Plan (TRRP Master Plan or Master Plan) was certified by the City of Modesto (City) in September 2001. The TRRP Master Plan is a long-range plan for a proposed 500-acre regional riverfront park, which extends along a 7-mile stretch of the Tuolumne River south of downtown Modesto (**Exhibit 1-1**). The Master Plan provides a vision for the park to guide projects that are intended to enhance the natural environment as well as recreational and educational opportunities at the park.

The Gateway Parcel, one of six planning areas addressed in the TRRP Master Plan, is envisioned by the TRRP Commission to be a high-profile public gathering place close to the commercial centers of Modesto and Ceres and accessible to the rest of the region from major arterial streets and State Route (SR) 99, as defined in the TRRP Master Plan. The TRRP Master EIR evaluated the Gateway Parcel and its potential environmental impacts in a general, program-level manner because sufficient information regarding the Gateway Parcel improvements was not available at the time the Master Plan was prepared.

The TRRP Gateway Precise Plan was subsequently prepared to achieve the objectives of the Master Plan and provide additional design detail needed to implement the proposed park improvements within the Gateway Parcel (**Exhibit 1-2**). The TRRP Gateway Precise Plan provided the additional detail needed to conduct a full assessment of the potential impacts of this subsequent project. An initial study (IS) for the TRRP Gateway Precise Plan was prepared by the City. The IS tiered off of the Master EIR and incorporated it by reference. Using the conclusions of the IS, the City determined that implementation of the Gateway Precise Plan would have no additional significant effects on the environment that were not identified in the Master EIR, and that no new or additional mitigation measures or alternatives were required. As such, in September 2005, the City adopted a finding of conformance (FOC) with the Master EIR. The 2005 IS/FOC was prepared in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines, as amended (California Code of Regulations Section 15000 et seq.).

The TRRP Gateway Precise Plan discussed the implementation of the Gateway Parcel in three distinct phases:

- **Phase 1**—Site grading, riparian restoration, backwater channel, trail from Beardbrook Park to confluence point, pedestrian bridge over Dry Creek, grading of amphimeadow, and grading of farmers' market area.
- **Phase 2**—Development of the Riverwalk trail and landscape.
- **Phase 3**—Development of remaining trails, Seventh Street stormwater/back water channel, promenade observation area, fishing pier, vista point, playgrounds, nature seating areas, amphimeadow walls, restroom facilities, and all parking areas.

Phase 1 improvements were implemented in distinct subphases (**Exhibit 1-3**) following the approval of the 2005 IS/FOC:

- **Phase 1.1**—Trail construction from Beardbook Park to Confluence Point, seat wall construction near the southeast end of the trail, site grading, and revegetation with native seed mixes.

- **Phase 1.2**—Mass site grading and demolition, including the amphimeadow, backwater channel along dry creek and farmers' market area, trail construction, riparian restoration, and tree planting.

- **Phase 1.3**—Site grading, demolition, trail construction, multiple seat walls, and pedestrian crossings.

These improvements did not include the construction of the pedestrian bridge over Dry Creek, as outlined for Phase 1 in the 2005 IS/FOC. Furthermore, the Phase 3 components are presumed at this time to be consistent with what is referenced from the 2005 IS/FOC above; however, these may change in the future pursuant to further review and analysis.

Before implementing Phase 2, the City proposes minor refinements to the Phase 2 project components identified in the TRRP Gateway Precise Plan and analyzed in the 2005 IS/FOC. These minor refinements to the project components identified in the TRRP Gateway Precise Plan and analyzed in the IS/FOC are identified in this *Addendum to the Tuolumne River Regional Park Master Environmental Impact Report and Gateway Precise Plan Initial Study/Finding of Conformance* (Addendum) and shown in **Exhibit 1-4**. The lead agency for this Addendum under CEQA is the City of Modesto.

The City has made minor revisions and refinements to the TRRP Gateway Precise Plan. As described in Chapter 3 of this Addendum, the proposed Phase 2 project refinements would not result in new potentially significant or significant environmental impacts, substantially increase the severity of previously identified effects, or result in considerably new or modified mitigation measures included in the approved 2001 Master EIR or 2005 IS/FOC. City-committed mitigation measures from the 2005 IS/FOC for the Gateway Parcel will be implemented by the City despite the changes proposed to Phase 2 presented in this Addendum. In light of the project revisions and latest best management practices, an addendum to the approved 2001 Master EIR and 2005 IS/FOC is the appropriate document for compliance with the requirements of CEQA. This Addendum IS/FOC conforms to these requirements and to the content requirements of State CEQA Guidelines Section 15071.

1.2 GUIDANCE IN STATE CEQA GUIDELINES REGARDING CHANGES TO A PROJECT

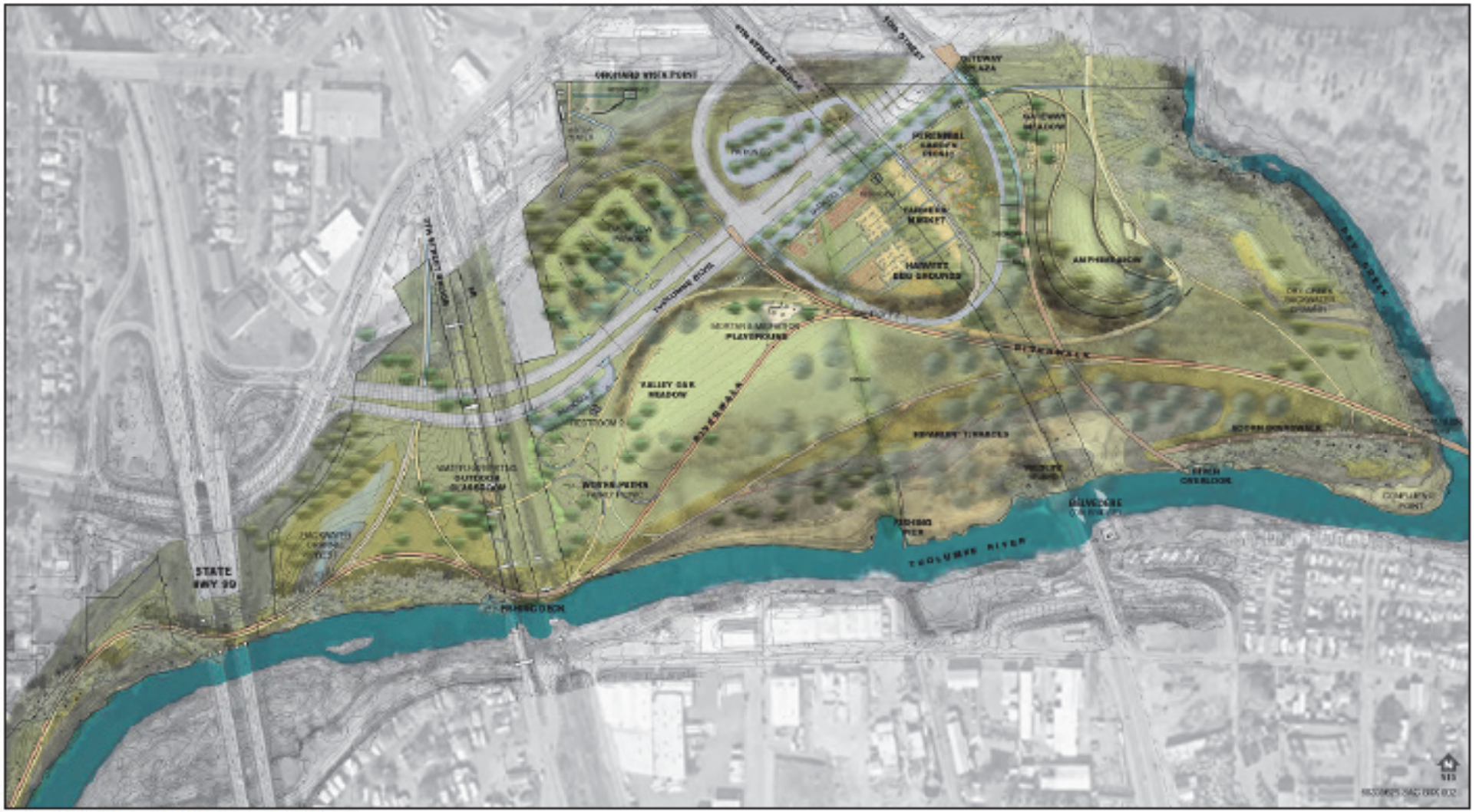
If, after certification of an environmental impact report (EIR), negative declaration (ND), or mitigated negative declaration (MND), altered conditions or changes or additions to a project occur, CEQA provides two mechanisms to address these changes: a subsequent EIR, ND, or MND and an addendum to an EIR, ND, or MND.

Section 15162 of the State CEQA Guidelines describes the conditions under which preparation of a subsequent EIR, ND, or MND would be appropriate. When an EIR, ND, or MND has been adopted for a project, preparation of a subsequent EIR, ND, or MND would be appropriate if the lead agency determines, on the basis of substantial evidence in light of the whole record, that one or more of the following conditions is met:

(1) substantial changes are proposed in the project which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects;

Source: Data provided by City of Modesto and adapted by AECOM in 2015

Exhibit 1-1. Tuolumne River Regional Park



Source: Data compiled by EDAW in 2005 and adapted by AECOM in 2015

Exhibit 1-2. TRRP Gateway Precise Plan

Source: Data compiled by AECOM in 2015

Exhibit 1-3. Existing Conditions, TRRP Gateway Precise Plan

Source: Data compiled by AECOM in 2015

Exhibit 1-4. TRRP Gateway Parcel, Phase 2 (Proposed Project Refinements)

(2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the environmental document was adopted, shows any of the following:

(A) the project will have one or more significant effects not discussed in the previous environmental document;

(B) significant effects previously examined will be substantially more severe than shown in the previous environmental document;

(C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or

(D) mitigation measures or alternatives which are considerably different from those analyzed in the previous environmental document would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15164 of the State CEQA Guidelines states that a lead agency may prepare an addendum to a previously adopted EIR, ND, or MND if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR, ND, or MND have occurred.

The proposed project refinements, as they are currently known, constitute minor technical additions that may be addressed in an addendum to an EIR and IS/FOC. As described in Chapter 2, "Description of Proposed Project Refinements," and Chapter 3, "Environmental Analysis of Proposed Project Refinements," of this document, none of the conditions described above for Section 15162 calling for preparation of a subsequent EIR, ND, or MND have been met. In addition, the approved 2001 EIR and 2005 IS/FOC remain valid for assessing and mitigating identified impacts that would result from implementation of the approved project.

Refinements to the proposed project as described in this Addendum and any altered conditions since the adoption of the IS/FOC in September 2005 would not:

- result in any new potentially significant or significant environmental effects or
- substantially increase the severity of previously identified effects.

In addition, no new information of substantial importance has arisen that shows that:

- the project would have new potentially significant or significant effects,
- the project would have substantially more severe effects,
- mitigation measures or alternatives previously found to be infeasible would in fact be feasible, or
- mitigation measures or alternatives that are considerably different from those analyzed in the IS/FOC would substantially reduce one or more significant effects on the environment.

Because none of the conditions described in Section 15162 of the State CEQA Guidelines calling for preparation of a subsequent EIR, ND, or MND have occurred, an addendum to the approved EIR and IS/FOC, consistent with Section 15164 of the State CEQA Guidelines, is the appropriate mechanism to address the proposed project refinements. None of the triggers discussed above for developing other more rigorous CEQA documents have occurred.

The action evaluated in this addendum represents minor technical refinements and additions to the project presented in the approved IS/FOC. The City has proposed minor alterations to the design parameters of Phase 2 of the TRRP Gateway Precise Plan as examined in the 2005 IS/FOC. The details of these proposed project refinements are presented in Chapter 2 of this Addendum. The City, as lead agency for the proposed project under CEQA, has determined that these are minor refinements to the approved 2001 EIR and 2005 IS/FOC and have conservatively decided to prepare this Addendum in accordance with Section 15164 of the State CEQA Guidelines.

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2 DESCRIPTION OF PROPOSED PROJECT REFINEMENTS

The following refinements have been made to Phase 2 of the TRRP Gateway Precise Plan since the related IS/FOC was approved in 2005 for implementation:

- ***Riverwalk Trail System***—Trail contours within the Phase 2 project area have been adjusted.
- ***Back Water Channel***—The Phase 2 project area would be graded to create a 200-foot-wide (at the widest point), 625-foot-long back water channel. A fish terrace between the river and back water channel would allow for unimpeded movement between the Tuolumne River and the back water channel.
- ***Outdoor Classroom***—The plan adjusts the location of an approximately 3,290-square-foot outdoor classroom to accommodate approximately 25–30 students.
- ***Promenade Observation Area*** —The location of the promenade observation area would be moved downstream of the Seventh Street Bridge and farther back from the water.
- ***Other Project Components***—The proposed Phase 2 project components would include nature seating areas, limited to day use only, and would include site grading of all existing dirt roads.

The following text in Section 2.1 details the proposed refinements to Gateway Parcel Phase 2.

2.1 GATEWAY PARCEL PHASE 2 PROJECT

In 2007, 2008, and 2012, respectively, the City on behalf of the TRRP Commission completed Phases 1.1, 1.2, and 1.3 of the TRRP Gateway Precise Plan. Phase 1 in its entirety included site grading, riparian restoration, a backwater channel, trail construction from Beardbrook Park to Confluence Point, a pedestrian bridge over Dry Creek, and grading of the amphimeadow and farmers' market area. Specifically, Phase 1.1 included trail construction from Beardbrook Park to Confluence Point, seat wall construction near the southeast end of the trail, site grading, and revegetation with native seed mixes. Phase 1.2 included mass site grading and demolition, specifically the amphimeadow, backwater channel along Dry Creek and farmers' market area; trail construction; riparian restoration; and tree planting. Phase 1.3 included site grading, demolition, trail construction, and pedestrian bridge crossings (see **Exhibit 1-3**). The City is now proposing to implement Phase 2 of the TRRP Gateway Precise Plan, which is described in more detail in Section 2.1.1 below, and shown in **Exhibit 1-4**.

Phase 2 would involve improvements to approximately 17 acres of the Gateway Parcel (see **Exhibit 1-2**), bounded to the north by Tuolumne Boulevard, to the west by SR 99, and to the south by the Tuolumne River. The eastern boundary of the Phase 2 project area is generally defined by the Seventh Street Bridge and the Union Pacific Railroad (UPRR) tracks. However, the southeast corner of the site extends just beyond the railroad tracks.

Elements of the Phase 2 project, anticipated construction methods, and the proposed construction schedule are described below. Refinements, if any, of elements in the project area as proposed in the TRRP Gateway Precise Plan and evaluated in the IS/FOC are also identified.

2.1.1 PHASE 2 PROJECT REFINEMENTS

The Gateway Parcel Phase 2 refinements are shown in Exhibit 1-4. All of the Phase 2 refinements have been designed for day use activities only.

RIVERWALK

The riverwalk is described in the TRRP Gateway Precise Plan not as a single path, but as a braided system of pathways and trails that would traverse the site from east to west and connect the Gateway Parcel with the rest of the sites of the TRRP. The riverwalk trail system is intended to allow for different visual and physical levels of contact with the river, while facilitating a better understanding of the diverse plant communities and habitats of the riparian terraces. The riverwalk trail system is also intended to provide access to the riparian terraces and opportunities to observe restoration areas.

In the Phase 2 project area, approximately 2,931 linear feet of new trails would be developed as part of the riverwalk trail system. The trails would consist of a 12-foot-wide pervious pavement with an adjacent 4-foot-wide decomposed granite trail and would be graded and compacted for Americans with Disabilities Act compliance and accessibility by pedestrians, bicyclists, and light-duty maintenance and service vehicles.

The existing access point connecting the trail system to Seventh Street, as proposed in the TRRP Gateway Precise Plan, would be similar under the Phase 2 refinements. The trail alignment would meander south from the Seventh Street Bridge in an S-shaped grade from near the bridge toward the Tuolumne River with a trail slope of no greater than 5 percent.

BACK WATER CHANNEL

The TRRP Gateway Precise Plan included creation of a back water channel in the Phase 2 project area to collect runoff from the site. Removal of riparian vegetation to grade the back water channel is necessary. To accomplish this, the Phase 2 project area would be graded and a maximum 200-foot-wide (at the widest point), 625-foot-long back water channel extending from the Tuolumne River up into the Phase 2 site would be created. The back water channel would have a 4:1 slope, including a 9- to 10-foot cut-slope between the back water channel and the river. A fish terrace between the river and back water channel would allow for unimpeded movement between the Tuolumne River and the back water channel. The back water channel would have a maximum depth of 10–11 feet at its deepest point within the back water channel, and the depth where the back water channel meets the river would match the grade of the river. The configuration of the back water channel would be designed to avoid the existing buried AT&T transmission line on the site, and may include a finger off to one side to improve accessibility of the back water channel from the outdoor classroom, described further below. The back water channel would be planted with native vegetation.

A prefabricated steel plank bridge, 15 feet wide by 100 feet long, would be constructed over the mouth of the back water channel to maintain trail connectivity on the site. The bridge would rise 7–9 feet above the back water channel and would be designed with abutments and a weight-bearing capacity to accommodate emergency vehicles and light trucks.

Outdoor Classroom

As part of the TRRP Gateway Precise Plan, a portion of the Phase 2 project site was to include an outdoor classroom for educational use. The Phase 2 plans include an approximately 3,290-square-foot outdoor classroom area located west of the Seventh Street Bridge. The classroom area would be connected to the riverwalk trail system and would include an approximately 4 to 6-foot-wide compacted footpath that would extend around the classroom and lead back to the riverwalk trail. The outdoor classroom area would contain three seat walls or benches and would also provide an opportunity for teachers to engage in dialogue with students in a classroom setting. Eight to ten trees would be planted in this area to provide a shade canopy. Either seat stones or prefabricated concrete benches would be installed to accommodate approximately 25–30 students. From this location, visitors would be able to observe the entire Tuolumne River area and take interpretive walks along the riverwalk trail system.

Promenade Observation Area

The TRRP Gateway Precise Plan included a "fishing deck" underneath the Seventh Street Bridge and UPRR trestle along the edge of the Tuolumne River. As part of the Phase 2 refinement, this "fishing deck" would be moved east of the UPRR trestle so it would no longer be underneath the bridge or trestle, and would be situated farther back from the river's edge. This feature is now referred to as a promenade observation area, but would serve the same purpose as originally intended in the TRRP Gateway Precise Plan. The promenade observation area would provide a view of the river and its riparian corridor as well as fishing access.

The promenade observation area would be approximately 112 feet long and up to 20 feet wide. This prefabricated deck would also include a seat wall along the back side and an extended Americans with Disabilities Act-compliant curb for safety. The promenade observation area would also be connected to the riverwalk trail system.

Other Component Refinements

In addition to the features of the Phase 2 project refinements discussed above, other notable project component refinements analyzed in this document include the following:

- Two nature seating areas for approximately 6–12 people each; each area would be connected to the riverwalk trail system and one nature seating area would include an approximately 4-foot-wide compacted footpath that would lead from the classroom to the proposed back water channel.
- Balanced cut and fill of all soil material on-site
- No parking provided within the Phase 2 project area
- Bollard, for traffic access control (located at the proposed Seventh Street trailhead)
- Planting and seed mixes designed and installed in accordance with previous project phases
- Existing dirt roadways graded and reseeded
- No lighting installed within the Phase 2 project area at this time (day use only)

- No ground maintenance services provided (i.e., no garbage cans would be placed anywhere within the Phase 2 project area at this time)

2.1.2 CONSTRUCTION/SCHEDULE

Construction activities associated with the proposed project refinements described above would consist of equipment similar to that used during other Gateway Parcel project phases, as described in the 2005 IS/FOC analysis.

3 ENVIRONMENTAL ANALYSIS OF PROPOSED PROJECT REFINEMENTS

This section describes the evaluation performed to verify the following statements:

- The proposed project refinements described in Chapter 2 of this document do not meet any of the criteria in Section 15162 of the State CEQA Guidelines for preparing a subsequent ND/MND. The proposed refinements also do not meet the criteria of Section 15164 of the State CEQA Guidelines for preparing an addendum to an EIR or ND, such as new significant impacts or substantially more severe impacts than those already described in the approved 2005 IS/FOC for the project adopted in September 2005.

- The combined analysis of the proposed project in the approved 2005 IS/FOC and of the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and allow the approval of the proposed project refinements.

The evaluation is provided in the form of a narrative discussion addressing each environmental issue area included in the approved 2005 IS/FOC. The discussion of each environmental issue area describes the particular environmental issue, explains how the approved project and the proposed project refinements relate to the issue, and states whether existing mitigation measures required minor modifications or whether the proposed project refinements require supplemental measures to address modifications to the Gateway Parcel approved in the 2005 IS/FOC. Also, as shown in **Exhibit 1-3**, improvements under Phase 2 would go outside of the demarcated Precise Plan boundary evaluated in the 2005 IS/FOC. Site grading associated with the Phase 2 project would necessitate such action. However, the analysis in this addendum considers a discussion of all impacts within the Phase 2 boundary, and not just the boundary for the Precise Plan.

3.1 ENVIRONMENTAL ISSUES

3.1.1 AESTHETICS

The environmental setting of the Gateway Parcel described in the approved 2005 IS/FOC has changed with implementation of Phases 1.1, 1.2, and 1.3, as described previously. Undeveloped agricultural land and riparian vegetation along the Tuolumne River persists in the Phase 2 project area. An elevated SR 99 bridge extends north-south through the western edge of the Phase 2 parcel. The eastern border of the Phase 2 project site is bordered by the Seventh Street Bridge, a historic landmark. The Phase 2 parcel is visible to motorists from the Seventh Street and SR 99 bridges.

As analyzed in the approved 2005 IS/FOC, the TRRP Gateway Precise Plan would provide a beneficial impact on the visual character of surrounding roadways that view the project site. The plan would restore the visual character of degraded agriculture land to natural, vegetated meadow and riparian corridors, and would provide recreational opportunities and foster community gatherings. As discussed in the TRRP Gateway Precise Plan, all lighting components along trails and in public gathering areas within the Gateway Parcel would be designed to minimize lighting effects and direct glare downward in accordance with a lighting plan developed for the Gateway Parcel. The nearest residents to the Phase 2 project area are located approximately 1,000 feet to the south across the Tuolumne River. Vegetation along the river and plantings associated with the TRRP Gateway Precise

Plan would prevent potential glare effects on these residences. Therefore, aesthetic impacts were considered less than significant and no mitigation was required.

The proposed project refinements detailed in this Addendum would not change the beneficial visual resource impacts on the Phase 2 project area previously analyzed in the 2005 IS/FOC. The Phase 2 proposed project refinements would further improve the visual character of the Phase 2 project area. Furthermore, the refinements would not result in a detrimental impact on any scenic vistas, resources, visual character, or light and glare. The Phase 2 proposed project refinements would not involve constructing any lighting features that could contribute to detrimental light and glare impacts. Impacts on scenic vistas, scenic resources, visual character, or light and glare would be less than significant. No new mitigation measures are required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on aesthetics or a substantial increase in the severity of previously identified effects on aesthetics. The proposed refinements also do not constitute new information of substantial importance to aesthetic resources that was not known and could not have been known with the exercise of reasonable diligence at the time the IS/FOC was approved.

The analysis of aesthetics impacts for the proposed project in the approved 2005 IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.2 Agriculture and Forestry Resources

Even though the TRRP Gateway Precise Plan project area is designated Prime Farmland, the City identified in the approved 2005 IS/FOC that implementation of the proposed project would be consistent with the Baseline Developed Area shown on the General Plan Growth Strategy Map and no loss of productive agricultural land would occur. Furthermore, the Gateway Parcel is not currently located in an area of agricultural use and is zoned as residential. The project area is not under a Williamson Act contract. These findings from the 2005 IS/FOC would not change because the proposed project refinements would be located entirely within the delineated project area identified in the 2005 IS/FOC analysis. Furthermore, no forestry resources exist in this residential area. Impacts on agriculture and forestry resources would be less than significant. No new mitigation measures would be required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on agriculture and forestry resources or a substantial increase in the severity of previously identified effects on agriculture and forestry resources. The proposed refinements also do not constitute new information of substantial importance regarding agriculture and forestry resources that was not known and could not have been known with the exercise of reasonable diligence at the time the IS/FOC was approved.

The analysis of agricultural resources impacts for the proposed project in the approved 2005 IS/FOC and of agriculture and forestry resources for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.3 AIR QUALITY

The Gateway Parcel is located within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). **Table 3-1** shows the change in air quality attainment within SJVAPCD's jurisdiction since the approval of the 2005 IS/FOC.

Table 3-1. SJVAPCD Federal and State Project Area Air Quality Standards, 2005 and 2015

Pollutant	2005 IS/FOC	Current Status[1]
Federal 8-hour ozone	Serious/nonattainment	Extreme/nonattainment
Federal PM_{10}	Serious/nonattainment	Attainment
Federal $PM_{2.5}$	Nonattainment	Nonattainment
California 1-hour ozone	Severe/nonattainment	Severe/nonattainment
California PM_{10}	Nonattainment	Nonattainment
Criteria pollutants (California)	Attainment	Attainment/unclassified

Notes: IS/FOC = initial study/finding of conformance; $PM_{2.5}$ = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less
Criteria pollutants include carbon monoxide, nitrogen dioxide, sulfur dioxide, lead (particulate), hydrogen sulfide, sulfates, visibility- reducing particles, and vinyl chloride.

[1] A completed list of current federal and state standards can be found on the San Joaquin Valley Air Pollution Control District Web site: http://www.valleyair.org/aqinfo/attainment.htm. Accessed March 3, 2015.

Source: SJVAPCD 2015

As shown in **Table 3-1**, air pollution attainment statuses are similar under present conditions to those analyzed in the 2005 IS/FOC. Although the SJVAPCD status for respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less (PM_{10}) is now attainment, the 2005 IS/FOC states that a change in attainment status does not change the impact of the proposed project components presented in the Master EIR and applied to the 2005 IS/FOC.

The proposed project refinements include the construction of approximately 2,931 feet of trails, grading activities to create the back water channel and outdoor classroom, site revegetation, and other project components listed in Section 2.1.1 that would result in short-term construction-related air pollution impacts. These activities would be consistent with the TRRP Gateway Precise Plan as evaluated in the 2005 IS/FOC. With regard to air pollutant emissions addressed in the approved 2005 IS/FOC, temporary and short-term construction activities would result in construction emissions associated with the Gateway Parcel. Emissions would be generated primarily during excavation and grading activities associated with the proposed amphimeadow, riparian terraces, trials, bike paths, and parking facilities. This would result in temporary but substantial PM_{10} emissions. The 2005 IS/FOC includes implementation of Mitigation Measure Air-1 from the Master EIR to minimize short-term construction-generated emissions. No sensitive receptors have been identified in the 2005 IS/FOC in the immediate vicinity of the Gateway Parcel. The use of mobilized diesel exhaust emissions from on-site heavy-duty equipment was identified as a potential exposure. Project implementation would not result in any major sources of odors.

The emissions from implementation of Phase 2 and equipment analyzed in the approved 2005 IS/FOC would not differ with the proposed Phase 2 project refinements. The proposed project refinements would not alter the emissions determination made in the approved 2005 IS/FOC. With implementation of Mitigation Measure Air-1

discussed above, impacts on air pollutant emissions resulting from construction of Phase 2 with the proposed project refinements would be less than significant.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on air quality or a substantial increase in the severity of previously identified effects on air quality. The proposed refinements also do not constitute new information of substantial importance regarding air quality that was not known and could not have been known with the exercise of reasonable diligence at the time the IS/FOC was approved.

The analysis of air quality impacts for the proposed project in the approved 2005 IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.4 Biological Resources

A biological resources reconnaissance field survey was conducted for the Phase 2 project area, including the sites for the proposed project refinements, by an AECOM biologist on December 4, 2014 (Appendix A, "Biological Site Survey for the Tuolumne River Regional Park Gateway Parcel, Phase 2"). Before the field survey, recent aerial photographs of the Phase 2 project site were reviewed in addition to information pertaining to special-status plant and wildlife species compiled by searching the U.S. Fish and Wildlife Service Federal Endangered and Threatened Online Species List (USFWS 2014), the California Natural Diversity Database (CNDDB 2014), and the Electronic Inventory of Rare and Endangered Vascular Plants (CNPS 2014) to determine whether new occurrences of special-status species were recorded in the project area or vicinity. **Table 3-2** identifies special-status species that have the potential to occur in the project area. Several special-status plant and wildlife species identified as having the potential to occur were eliminated from further consideration because the project area is outside of the known range of the species, or because no suitable habitat exists on the Phase 2 parcel. Appendix A presents a summary of these plant and wildlife species eliminated from further consideration.

Suitable habitat is not present for special-status plant species in the Phase 2 project area. Elderberry shrubs identified in the 2005 IS/FOC for the Phase 2 project area have been documented as no longer in existence. A trestle fire in 2008 likely destroyed the elderberry shrub that was growing under the UPRR trestle and a shrub located at the eastern edge of the Phase 2 project area was transplanted during Phase 1.2 of project implementation (Appendix A).

As described in Appendix A, the potential for occurrence of special-status species and the types of biological resources observed were very similar to those addressed in the approved 2005 IS/FOC. Master EIR Mitigation Measure Bio-3, discussed in the 2005 IS/FOC, would address the potential impacts of Phase 2 on all special-status aquatic species. As discussed in the 2005 IS/FOC, the TRRP Gateway Precise Plan could result in potentially adverse and beneficial impacts on special-status fish and habitat. Long-term impacts of the TRRP Gateway Precise Plan would include removal of invasive exotic vegetation from riparian areas, and reestablishment of native riparian species, to provide functions beneficial to fish species such as reconnection of the river to the historic floodplain. Master EIR Mitigation Measure Bio-3 would be implemented to ensure that impacts on special-status fish species would be less than significant. No new mitigation measures are required.

Table 3-2. Special-Status Species with Potential to Occur in the Project Area			
Species	Status ([1]Federal/State)	Habitat	Potential for Occurrence
Invertebrates			
Valley elderberry longhorn beetle *Desmocerus californicus dimorphus*	FT/–	Dependent on the host plant blue elderberry shrub (*Sambucus nigra* ssp. *cerulea*) to complete its life cycle.	No potential for occurrence. Suitable habitat is not present.
Reptiles			
Western pond turtle *Emys marmorata*	–/SSC	Found in slow-moving aquatic habitats, such as ponds, marshes, streams, and irrigation ditches. Submerged or emergent vegetation used for foraging and basking while partially submerged. Requires logs or other objects for basking out of the water.	Potential to occur. Suitable habitat present in Tuolumne River.
Birds			
Osprey *Pandion haliaetus*	–/SFP	Nests in large snags near lakes, rivers, and streams. Forages in streams, rivers, and lakes.	Potential to occur. Suitable foraging habitat present in the Tuolumne River.
White-tailed kite *Elanus caeruleus*	–/SFP	Forages primarily in and around grasslands, wetlands, and marshes close to isolated trees that are used for nesting and perching.	Known to occur. Observed perched on a tree in annual grassland.
Cooper's hawk *Accipiter cooperii*	–/WL	Nests primarily in deciduous trees, including those found in riparian areas.	Potential to occur. Suitable nesting and foraging habitat present.
Northern harrier *Circus cyaneus*	–/SSC	Nests on the ground in dense, low-lying vegetation, including emergent wetlands, grasslands, and field crops.	Potential to occur. Marginally suitable nesting habitat in grassland habitat present.
Swainson's hawk *Buteo swainsoni*	–/CT	Nests in riparian habitats with adjacent suitable foraging habitat.	Potential to occur. Limited suitable nest sites present; suitable foraging habitat in grassland habitat.
Western burrowing owl *Athene cunicularia*	–/SSC	Nests and roosts in burrow systems created by medium-sized mammals (e.g., ground squirrels) or in artificial sites (e.g., drain pipes and culverts) in dry grasslands and other dry, open habitats.	Potential to occur. Marginal suitable habitat present within grassland habitat.
Loggerhead shrike *Lanius ludovicianus*	–/SSC	Nests in thickly foliaged trees or tall shrubs; forages in open habitats that contain trees, fence posts, utility poles, and other perches. Usually solitary. Winter migrant in Central California.	Potential to occur. Suitable foraging habitat present in winter for species.
Yellow warbler *Setophagia petechia*	–/SSC	Nests in riparian woodlands with willow thickets.	Potential to occur. Suitable nesting habitat along the Tuolumne River and suitable foraging habitat in grasslands.

Table 3-2. Special-Status Species with Potential to Occur in the Project Area			
Species	Status ([1]Federal/State)	Habitat	Potential for Occurrence
Fish			
Central Valley fall-/late fall–run Chinook salmon *Oncorhynchus tshawytscha*	FSC/SSC	Known to occur in the Sacramento–San Joaquin Delta, and in the Sacramento and San Joaquin Rivers and tributaries. Spawning typically occurs in gravel beds that are located in marginally swift riffles, runs, and pool tails with water depths exceeding 1 foot and velocities ranging from 1 foot to 3.5 feet per second. Preferred spawning substrate is clean loose gravel ranging from 1 to 4 inches in diameter with less than 5 percent fines.	Known to occur. The Tuolumne River provides suitable habitat. Adult Chinook salmon migrate into the Tuolumne River to spawn between September and December, with peak arrival in November. Almost all spawning occurs upstream of the Hickman Bridge (Waterford). Fry emerge from the spawning gravels in the spring, typically from January through March. Fry, juvenile, or smolt salmon may be present in the project area as migrants or while rearing between January and May.
Central Valley steelhead *Oncorhynchus mykiss*	FT, FX/–	Historically present in the Lower Tuolumne River. The resident (nonmigratory) form of *O. mykiss*, rainbow trout, may be present as well as the protected anadromous form. Rainbow trout may enter the Lower Tuolumne River from Don Pedro Reservoir when the reservoir spills, or may be introduced from other reservoirs and hatcheries in the area.	Potential to occur. The Tuolumne River provides suitable habitat.
Pacific lamprey *Entosphenus tridentatus*	FSC/–	Spawning takes place in higher gradient, gravel/cobble bed, cool-water streams primarily between early March and late June. Ammocoetes burrow in sand or silt substrates in quieter channel margin, pool, or backwater habitats.	Potential to occur. The Tuolumne River provides suitable habitat for ammocoetes.
River lamprey *Lampetra ayresi*	–/SSC	Found in large Pacific coast drainages from north of Juneau, Alaska, south to San Francisco Bay. In California most records have been for the lower Sacramento–San Joaquin River system.	Low potential to occur. Not previously known from the Tuolumne River, but limited information available for species. The Tuolumne River provides suitable habitat.
Kern brook lamprey *Lampetra hubbsi*	–/SSC	Endemic to the east side of the San Joaquin Valley. Known to occur in the lower Merced, Kaweah, Kings, and San Joaquin Rivers.	Low potential to occur. Not previously known from the Tuolumne River, but limited information available for the species. The Tuolumne River provides suitable habitat.
Sacramento splittail *Pogonichthys macrolepidotus*	–/SSC	Native to the Sacramento-San Joaquin and the Central Valley. Spawning occurs in flooded vegetation. Peak reproduction occurs in March and April, though splittail are fractional spawners, which release their eggs more than once through a spawning season.	Low potential to occur. Not previously known from the Tuolumne River. The Tuolumne River provides suitable foraging and migration habitat.

Table 3-2. Special-Status Species with Potential to Occur in the Project Area

Species	Status ([1]Federal/State)	Habitat	Potential for Occurrence

Notes: CDFW = California Department of Fish and Wildlife; CESA = California Endangered Species Act; ESA = federal Endangered Species Act; NMFS = National Marine Fisheries Service; USFWS = U.S. Fish and Wildlife Service

[1] Status (CDFW 2015, NMFS 2015, USFWS 2014:

Federal
- FT = Threatened under ESA
- FSC = Federal sensitive, or species of concern
- FX = Designated critical habitat under the ESA
- – = No status

State
- ST = Threatened under CESA
- SSC = CDFW Species of Special Concern
- SFP = State Fully Protected
- – = No status

Source: Data compiled by AECOM in 2015

As discussed in Appendix A, suitable Swainson's hawk foraging habitat is located in the Phase 2 project area. Trees slated for removal during the Phase 2 project work, as identified in Appendix A, were not identified as suitable habitat for Swainson's hawk. Nonetheless, to ensure that nesting raptors would not be affected by Phase 2 with the proposed project refinements, Phase 2 would include Master EIR Mitigation Measure Bio-5, as discussed in the 2005 IS/FOC. This mitigation measure calls for preconstruction surveys during the raptor nesting season to ensure that the impact of disturbance to nesting raptors would be less than significant. Furthermore, Appendix A proposed the following slight modifications to Mitigation Measure Bio-5a specific to nesting raptors:

a. If construction is proposed during the raptor nesting season (~~1~~15 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 500 feet for raptors, and 150 feet for all other nesting birds ~~¼ mile of the project area~~. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.

Appendix A also recommends implementation of a preconstruction survey for western pond turtle to assess its potential occurrence in the Phase 2 project area. This new mitigation measure is defined below.

Mitigation Measure AD Bio-1: *A qualified biologist should conduct a preconstruction survey for western pond turtle in aquatic habitats (Tuolumne River) and adjacent suitable uplands that would be disturbed by project activities.*

The western pond turtle was previously analyzed in the 2005 IS/FOC. No change in protection status has occurred. The supplemental mitigation measure is proposed only as a precaution.

Tree removal and disturbance to riparian habitat was analyzed as part of the Master EIR and 2005 IS/FOC. Up to 11 trees, including nonnative species and one native species (i.e., box elder), were identified for removal as part of the TRRP Gateway Precise Plan IS/FOC. The total number of trees to be removed as part of the Phase 2 project refinements would be similar to the number identified in the 2005 IS/FOC. Tree removal would result in the

temporal loss of mature riparian trees that may serve as nest trees for migratory birds, and provide shade and organic debris in the river. Tree removal would be restricted to the minimum number required to achieve the objective of creating a back water channel in the historic floodplain with rearing habitat for juvenile fish.

Tree removal from the banks of the Tuolumne River qualifies as riparian habitat, subject to the jurisdiction of the California Department of Fish and Wildlife (CDFW) under Sections 1600–1616 of the California Fish and Game Code. Before tree removal within the riparian zone, a lake and streambed alteration agreement would be obtained from CDFW consistent with Mitigation Measure Bio-1 from the Master EIR to ensure that impacts on riparian habitats are reduced to a less-than-significant level. Replacement trees would be planted surrounding the back water channel, along the edge of the existing riparian habitat, or within gaps in the riparian canopy where appropriate.

Mitigation Measure Bio-1 has been modified as follows to provide clarity to the potential impacts of tree removal as part of the proposed project:

a. For any TRRP Master Plan project, prior to any grading or tree removal, riparian habitat outside of the proposed work areas will be protected by installing orange barrier fencing around habitat to be preserved and restricting vehicular or mechanical use of equipment in these areas. The project proponent shall retain a qualified biologist to serve as a compliance monitor and to ensure that all mitigation measures pertaining to riparian habitat protection are properly implemented.

b. Prior to project implementation, a Section 404 permit shall be obtained from the United States Army Corps of Engineers (USACE) and a Section 1600 Streambed Alteration Agreement shall be obtained from the California Department of Fish and Wildlife ~~Game~~ (~~CDFG~~CDFW). Additional mitigation for impacts to riparian areas will be developed through consultation with ~~USACE~~ and ~~CDFG~~ CDFW. A minimum 1:1 planting ratio is proposed for each tree removed as required to create the back water channel within the Phase 2 project site as part of the Section 1600 permit. A detailed riparian restoration plan shall be submitted to USACE as part of the 404 permit application; and a planting plan to the CDFW as part of the request for a Lake and Streambed Alteration Agreement. The riparian restoration and planting plans must be approved by the respective ~~USACE~~ overseeing agencies (USACE and CDFW) prior to project implementation. Mitigation monitoring shall be conducted annually by a qualified biologist for 5 years or until the success criteria are met. The success criteria will be delineated in each plan, and the terms approved by USACE and CDFW for the respective permits. Annual monitoring reports shall be submitted to USACE and ~~CDFG~~ CDFW.

Jurisdictional waters of the United States, including wetlands, within the Gateway Parcel that are protected under Section 404 of the Clean Water Act, as discussed in the approved 2005 IS/FOC, were demarcated for the TRRP Gateway Precise Plan project area. Master EIR Mitigation Measure Bio-2 would reduce these impacts to a less-than-significant level. Appendix A identifies the Tuolumne River as the only jurisdictional water feature in the Phase 2 project area. In addition to applicable permits affecting biological resources addressed in the 2005 IS/FOC, including an encroachment permit from UPRR, the project proponent would request re-verification of the 2004 wetland delineation map from the U.S. Army Corps of Engineers (USACE) as part of the Clean Water Act Section 404 permit process. As discussed in Appendix A, the reconnaissance survey of the Phase 2 project site confirmed that project site conditions have not changed since the 2004 wetland delineation field survey.

The proposed project refinements would be consistent with analysis conducted under the approved 2005 IS/FOC. Proposed site grading associated with Phase 2 would replace existing nonnative vegetation with native riparian habitat, forage, and canopy cover along the proposed back water channel. Trees near the back water channel for removal include both native (box elder) and nonnative species (remnant orchard trees). The proposed back water channel would provide fish habitat and fish terraces that would provide unobstructed passage between the Tuolumne River and on-site back water channel habitat. Special-status species that have the potential to occur in the project area are discussed above in **Table 3-2**. The aforementioned mitigation measures would render the impacts of the proposed project revisions on special-status species to be less than significant, which is consistent with the findings of the approved 2005 IS/FOC.

Similar to project components described in the approved 2005 IS/FOC, implementation of Phase 2 proposed project refinements would not interfere with the migration of fish or wildlife, conflict with any policies or ordinances protecting biological resources, or conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on biological resources, or a substantial increase in the severity of previously identified effects on biological resources. The proposed refinements also do not constitute new information of substantial importance to biological resources that was not known and could not have been known with the exercise of reasonable diligence at the time the IS/FOC was approved.

The analysis of potential impacts on biological resources in the approved 2005 IS/FOC and in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.5 CULTURAL RESOURCES

Compliance with Section 106 of the National Historic Preservation Act for proposed project refinements associated with implementation of Phase 2 was initiated by the City on April 23, 2014. The City provided Section 106 National Historic Preservation Act materials and additional project description information to California's State Historic Preservation Officer pursuant to the regulations in Title 36, Part 800 of the Code of Federal Regulations (as amended August 5, 2004) implementing Section 106. The City also contacted the Native American Heritage Commission to obtain a list of interested parties. After obtaining the list, the City contacted all parties listed on the commission's phone list. Only one person responded, and had no comments on the proposed project refinements. The State Historic Preservation Officer responded to the City on June 5, 2014, with a concurrence of "no adverse effects." (Appendix B, "Cultural Resource SHPO Consultation".)

A record search by the Central California Information Center (CCIC) was initially conducted for the entire TRRP Master Plan area in 1999. A reconnaissance field survey, including a pedestrian survey, was conducted in November 2000 for the entire Gateway Parcel. The results of the reconnaissance field survey indicated that no cultural resources or human remains were found. The City submitted a record search from the CCIC in 2006, and again on February 27, 2014. The CCIC indicated that unless there were significant changes to the project area, the 2014 CCIC record-search request was unwarranted. The City stated that no significant flood events, landform changes, or ground disturbances in the Phase 2 project area have occurred since 2000, and that the City has determined through periodic site inspections that the past cultural resource studies are adequate.

As analyzed in the 2005 IS/FOC, the only cultural resource determined eligible for inclusion in the National Register of Historic Places is the Seventh Street Bridge (No. 38C-023). The TRRP Gateway Precise Plan identified that an adverse effect on the Seventh Street Bridge would occur only if the bridge were removed or the surrounding environment were significantly altered. The 2005 IS/FOC concluded that the TRRP Gateway Precise Plan would not lead to an adverse effect on the Seventh Street Bridge. The City confirmed that the Phase 2 project refinements also would not adversely affect the Seventh Street Bridge (Appendix B). Furthermore, the proposed project refinements would not introduce a visual element that would diminish the integrity of the Seventh Street Bridge historical resource. Impacts on cultural and historic resources would be less than significant. No new mitigation measures are required.

The 2005 IS/FOC states that subsurface grading and construction could lead to an inadvertent discovery of unknown cultural resources. Master EIR Mitigation Measure CR-1 states that if unrecorded cultural resources are encountered during project-related ground-disturbing activities, a qualified cultural resources specialist would be contacted to assess the potential significance of the find. Furthermore, the mitigation measure requires construction workers to halt all ground-disturbing activities and specifies that a qualified professional archaeologist would subsequently be notified regarding the discovery. Revised Master EIR Mitigation Measure CR-2 from the 2005 IS/FOC requires compliance with California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097, requiring that all project work be stopped if human remains are discovered.

As a component of the approved project, the proposed project refinements would be subject to Mitigation Measures CR-1 and CR-2 from the approved 2005 IS/FOC, as discussed above, which require construction workers to stop work if previously unknown archaeological resources or human remains are uncovered during project construction, assess the significance of the find, and pursue appropriate management. As is the case with the project footprint analyzed in the approved 2005 IS/FOC, implementation of Mitigation Measures CR-1 and CR-2 would ensure that impacts on cultural resources and inadvertent discovery of human remains resulting from the proposed project refinements would be less than significant. No further mitigation would be required.

With regard to paleontological resources, the 2005 IS/FOC states that no known unique paleontological resources or unique geologic features would be affected by the TRRP Gateway Precise Plan. Implementation of the proposed project refinements would not alter this finding. Therefore, no mitigation is required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved IS/FOC because of the involvement of new significant environmental effects on cultural or paleontological resources or a substantial increase in the severity of previously identified effects on identified cultural resources. The proposed refinements also do not constitute new information of substantial importance regarding cultural or paleontological resources that was not known and could not have been known with the exercise of reasonable diligence at the time the IS/FOC was approved.

The analysis of cultural and paleontological resources impacts for the proposed project in the approved IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.6 GEOLOGY AND SOILS

A geotechnical engineering study was performed for the Gateway Parcel in October 2004, as discussed in the 2005 IS/FOC. The Gateway Parcel was identified as having a moderate seismic risk and no active or potentially active faults cross the project area, and the site is not located within a fault-rupture hazard zone as established by the Alquist-Priolo Earthquake Fault Zoning Act. Ground rupture from faulting is not considered a significant impact. Furthermore, as identified in the approved 2005 IS/FOC, no areas in which landslides and seismic activity threaten the public health and safety are located within the Gateway Parcel. The 2005 IS/FOC identified the Gateway Parcel as an area of considerable liquefaction risk. The proposed project refinements include a previously unanalyzed prefabricated steel plank bridge, 15 feet wide by 100 feet long, which would be constructed over the mouth of the back water channel to maintain trail connectivity on the site. The bridge would rise 7–9 feet above the back water channel and would be designed with abutments and a weight-bearing capacity to accommodate emergency vehicles and light trucks. The bridge would be constructed in accordance with the current California Building Code (2013) to minimize the potential liquefaction risk.

The 2005 IS/FOC identifies that the TRRP Gateway Precise Plan includes soil-disturbing activities such as vegetation removal, grading, and excavation that may involve soil erosion and sediment discharge into surface waters, increased turbidity, and downstream sediment deposition. The potential effects of soil erosion on water quality are discussed in more detail in Section 3.1.8 of this Addendum. The proposed project refinements would include mass grading of the Phase 2 project area. Temporary soil erosion from excavated and stockpiled soil could occur, but the potential for this would be similar to existing site conditions. Reseeding of the Phase 2 project area would have a long-term beneficial impact on soils subsequent to seeding and plant maturation. Therefore, the impacts resulting from the project refinements to soil erosion would be less than significant. No further mitigation measures would be required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on geology or soils or a substantial increase in the severity of previously identified effects on geology or soils. The proposed refinements also do not constitute new information of substantial importance regarding geology or soils that was not known and could not have been known with the exercise of reasonable diligence at the time the 2005 IS/FOC was approved.

The analysis of geology and soils impacts for the proposed project in the approved 2005 IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.7 GREENHOUSE GAS EMISSIONS

Greenhouse gases (GHGs) are present in the atmosphere naturally, are released by natural and anthropogenic sources, and are formed from secondary reactions taking place in the atmosphere. GHG emissions related to human activities have been determined as "extremely likely" to be responsible (indicating 95% certainty) for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth's atmosphere and oceans, with corresponding effects on global circulation patterns and climate (ARB 2014). Executive Order S-3-05, signed in June 2005, proclaimed that California is vulnerable to the impacts of climate change. To combat

those concerns, the executive order established total GHG emissions targets. Specifically, emissions are to be reduced to the 2000 level by 2010, the 1990 level by 2020, and to 80% below the 1990 level by 2050.

In 2006, California passed the California Global Warming Solutions Act of 2006 (AB 32; California Health and Safety Code Division 25.5, Sections 38500, et seq.). AB 32 further details and puts into law the mid-term GHG reduction target established in Executive Order S-3-05: reduce GHG emissions to 1990 levels by 2020. Senate Bill (SB) 97, signed in August 2007, acknowledged that climate change is a prominent environmental issue that requires analysis under CEQA. SB 97 required the Governor's Office of Planning and Research to develop recommended amendments to the CEQA Guidelines for addressing GHG emissions. The amendments became effective on March 18, 2010.

As documented throughout this Addendum, the proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of new significant environmental effects on GHG emissions or a substantial increase in the severity of previously identified effects related to climate change.

At the time of the Master EIR and 2005 IS/FOC certification, GHG emissions had been recognized as an environmental issue since the 1970s when the United States Congress enacted the National Climate Program Act (92 Stat.601, 1978), which required the President to establish a program to assist in understanding and responding to natural and human-induced climate processes, and since the 1980s when the Intergovernmental Panel on Climate Change (IPCC) was formed to assess scientific information related to climate change. Therefore, GHG emissions have been recognized as an environmental issue for at least three decades, and the approved project contribution to GHG emissions is not new information that was unknown or could not have been known with the exercise of reasonable diligence at the time the 2005 IS/FOC was certified. However, the Addendum includes an analysis of GHG emissions for informational purposes and a discussion of measures that are applicable to the proposed project.

Construction-related GHG emissions would be generated by sources such as heavy-duty off-road equipment, trucks hauling materials to the project site, and worker commute vehicles. As discussed in Section 3.1.16, Transportation/Traffic, operation of the proposed project refinements would not result in an increase in daily traffic demand.

In December 2009, the SJVAPCD adopted the "Final Staff Report Addressing Greenhouse Gas Emissions Impacts under the California Environmental Quality Act" (SJVAPCD 2009). The SJVAPCD also developed guidance for land-use agencies to address GHG emission impacts for new development projects. Projects complying with an approved GHG emission reduction plan or GHG mitigation program would have a less-than-significant individual and cumulative impact for GHG emissions. Projects implementing Best Performance Standards (BPS) and reducing project-specific GHG emissions by at least 29% compared to business as usual (BAU) conditions would have a less-than-significant impact on global climate change and would not make a cumulatively considerable incremental contribution to a significant cumulative impact on global climate change.

The SJVAPCD methodology was developed primarily to address long-term operational activities of land use development projects (e.g., residential and commercial buildings). The SJVAPCD has not established quantitative significance thresholds for the evaluation of construction-related GHG emissions and has not developed any BPS related to the proposed project refinements.

To establish additional context in which to consider the proposed project's GHG emissions, this analysis reviewed guidelines used by other experts and public agencies. The California Air Pollution Control Officers Association's (CAPCOA's) CEQA and Climate Change white paper recommends a threshold of 900 metric tons (MT) carbon dioxide equivalents (CO_{2e}) per year for any residential, commercial, or industrial project (CAPCOA 2008). The Sacramento Air Quality Management District (SMAQMD) has adopted a significance threshold for GHG emissions of 1,100 MT CO_{2e} per year that applies to construction and operational emissions (SMAQMD 2014).

Construction-related emissions associated with typical construction activities were modeled using the California Emissions Estimator Model (CalEEMod), Version 2013.2.2. CalEEMod allows the user to enter project-specific construction information, such as types, number, and horsepower of construction equipment, and number and length of off-site motor vehicle trips. Vehicle fleet characteristics and data specific to Stanislaus County or specific to the project were used in place of CalEEMod defaults, where available. The maximum annual emissions during construction of the proposed project refinements were estimated at 89 MT CO_{2e} per year. The total construction-related GHG emissions would not exceed any of the thresholds discussed above.

In addition, the 2005 IS/FOC includes Master EIR Mitigation Measure Air-1 to reduce construction-generated criteria pollutant emissions. Some of the measures to minimize exhaust emissions from construction equipment, such as idle reduction technologies, would also reduce construction-generated GHG emissions. Therefore, the proposed project refinements would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

At the time of this analysis, the City of Modesto has not adopted a climate change or GHG reduction plan. However, the proposed project would develop a recreational park, which is consistent with the open space goals of the City of Modesto General Plan. The proposed project refinements would not conflict with existing California legislation and GHG reduction plans adopted to reduce statewide GHG emissions.

3.1.8 Hazards and Hazardous Materials

An updated search was conducted of the California Department of Toxic Substances Control (DTSC) Hazardous Waste and Substances Sites Lists, and sites with reported hazardous material spills, leaks, ongoing investigations and/or remediation near the Phase 2 project area. The search was performed using the DTSC online EnviroStor and the State Water Resources Control Board GeoTracker databases (DTSC 2015; SWRCB 2015). No new hazardous waste sites or cleanups that were previously analyzed in the 2005 IS/FOC were identified.

The Gateway Parcel was once a former ranch complex that contained an underground fuel storage tank, an aboveground diesel fuel storage tank, chemical use and storage areas, farm equipment and machinery repair and maintenance areas, and chemical mixing and/or loading areas. The 2005 IS/FOC includes Master EIR Mitigation Measure HazMat-2, which requires that a site investigation be conducted by a qualified professional to identify any potential chemical impacts on soil in the former ranch complex, and includes subsequent remediation.

With regard to hazards and hazardous materials previously analyzed in the 2005 IS/FOC, construction of the proposed project would involve the use of heavy construction equipment, which uses small amounts of hazardous materials such as oils, fuels, and other potentially flammable substances that are typically associated with construction activities. As a component of the approved 2005 IS/FOC, the proposed project refinements would be subject to Master EIR Mitigation Measure HazMat-2, which requires that a site investigation be conducted by a qualified professional to identify any potential chemical impacts on soil, the presence of hazardous materials, and

any subsequent site remediation by the applicable state and local regulatory agency. Furthermore, Master EIR Mitigation Measure HazMat-3 requires that a Phase II assessment, including soil sampling, be conducted to assess agricultural chemicals in areas designated for sensitive land uses. Should chemicals be present at concentrations at or above applicable regulatory agency action levels, remediation requirements in accordance with state and federal regulations would be required. The construction of the outdoor classroom area as proposed under the project refinements would require the implementation of both of the above mitigation measures to reduce potential impacts of the proposed project refinements to a less-than-significant level. No new mitigation measures are required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on hazards and hazardous materials or a substantial increase in the severity of previously identified effects on hazards and hazardous materials. The proposed refinements also do not constitute new information of substantial importance regarding hazards and hazardous materials that was not known and could not have been known with the exercise of reasonable diligence at the time the 2005 IS/FOC was approved.

The analysis of hazards and hazardous materials impacts for the proposed project in the approved 2005 IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.9 HYDROLOGY AND WATER QUALITY

As described in the 2005 IS/FOC, TRRP Gateway Precise Plan project construction would involve soil-disturbing activities such as vegetation removal and grading that could result in soil erosion and sediment discharge into surface waters, increase turbidity in the Tuolumne River, and alter the downstream sediment deposition. Fuels, solvents, and other chemicals used in construction vehicles could be accidentally spilled, dumped, or discharged into the Tuolumne River as well. These impacts would be mitigated during construction activities and would not be significant after the completion of the project construction. A storm water pollution prevention plan (SWPPP) would be implemented as under other completed phases associated with the TRRP Gateway Precise Plan. Further, the construction of a back water channel would improve the drainage of floodwater and runoff from the site. As discussed in the 2005 IS/FOC, the proposed project refinements would not change the potential for soil erosion and sediment discharges into the Tuolumne River, and adherence to required permits, approvals, and other stipulations would reduce water quality impacts to a less-than-significant level. No new mitigation measures are required.

The TRRP Gateway Precise Plan is identified in the 2005 IS/FOC as not resulting in any operations of new facilities that would affect groundwater supplies. The proposed project refinements do not include any facilities affecting groundwater supply and would be consistent with the 2005 IS/FOC analysis that the TRRP Gateway Precise Plan would have no impacts on groundwater resources.

As stated in the 2005 IS/FOC, the Gateway Parcel is located within the Federal Emergency Management Agency (FEMA)-designed 100-year floodplain. Implementation of Master EIR Measure Hydro-3 requires that project components of the TRRP Gateway Precise Plan be designed in accordance with standard engineering practices to ensure that the proposed structures would not result in any increase in base floodwater surface elevations, would not increase flood flow velocities, and could withstand the forces of floodwater. The proposed project refinements

would be consistent with these findings and would be designed to not impede floodwater. Furthermore, structures, including the bridge over the back water channel, would be designed to withstand high water flows.

The TRRP Gateway Precise Plan includes the development of terraced slopes to restore riparian habitat. As detailed in the 2005 IS/FOC, each terrace would provide relatively flat planting areas. The TRRP Gateway Precise Plan would result in a minimal drop of the FEMA 100-year event water surface elevation. Master EIR Mitigation Measure Hydro-2 requires the project to incorporate detailed grading plans developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading would not result in any increase in base floodwater surface elevations or flood flow velocities. Furthermore, Mitigation Measure Hydro-4 would ensure that the proposed riparian planting scheme would be designed to prevent the creation of floating debris dams during flood events that would affect flood conveyance. As is the case with the project footprint analyzed in the approved 2005 IS/FOC, implementation of Master EIR Mitigation Measures Hydro-2 and Hydro-4 would reduce impacts of the project refinements to a less-than-significant level. The bridge over the back water channel, outdoor classroom, and planting schemes associated with Phase 2 would be designed consistent with the approved 2005 IS/FOC and its mitigation measures. No further mitigation measures are required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on hydrology and water quality or a substantial increase in the severity of previously identified effects on hydrology and water quality. The proposed refinements also do not constitute new information of substantial importance regarding hydrology and water quality that was not known and could not have been known with the exercise of reasonable diligence at the time the 2005 IS/FOC was approved.

The analysis of hydrology and water quality impacts for the proposed project in the approved 2005 IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.10 Land Use and Planning

The Phase 2 proposed project is part of the Gateway Parcel. The City adopted the TRRP Master Plan in 2001 for a proposed 500-acre park, which included the Gateway Parcel, for such uses as recreation, public access, public gathering facilities, and ecological restoration. The proposed project refinements would be consistent with the TRRP Master Plan and would not conflict with any land use plans or policies. No communities would be divided as a result of the implementation of the proposed project. In regard to conflicts with adopted land use plans, policies, and regulations, the Phase 2 proposed project refinements would have a less-than-significant impact. No mitigation measures would be required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on land use or a substantial increase in the severity of previously identified effects on land use. The proposed refinements also do not constitute new information of substantial importance regarding land use that was not known and could not have been known with the exercise of reasonable diligence at the time the 2005 IS/FOC was approved.

The analysis of land use impacts for the proposed project in the approved 2005 IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.11 Mineral Resources

The 2005 IS/FOC did not identify any mineral resources within the Gateway Parcel that are important to the region or state. Further, no mineral resources delineated in a local plan, specific plan, or other land uses were identified within the Gateway Parcel. The proposed project refinements would be located entirely within the Gateway Parcel and would require no new investigation of potentially affected mineral resources. The proposed project refinements would have a less-than-significant impact on regionally important mineral resources. No new mitigation measures would be required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on mineral resources or a substantial increase in the severity of previously identified effects on mineral resources. The proposed refinements also do not constitute new information of substantial importance regarding mineral resources that was not known and could not have been known with the exercise of reasonable diligence at the time the IS/FOC was approved.

The analysis of mineral resources impacts for the proposed project in the approved IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.12 Noise

The existing setting of the Phase 2 project area is similar to that of the previously approved 2005 IS/FOC project footprint. Phase 1 of the TRRP Gateway Precise Plan has been implemented on adjoining parcels and includes trails and ecological restoration. With regard to noise and vibration, construction-related activities have the potential to generate temporary and short-term increased noise emissions. The average noise level of construction activities would be 84 A-weighted decibels (dBA) average or equivalent sound level at the project site boundary. At this noise level, areas within approximately 1,500 feet of the project site could experience intermittent construction-generated noise levels in excess of 60 dBA for brief periods of time. However, impacts from construction noise would be limited to daytime hours: 7:00 a.m. to 9:00 p.m. on weekdays and 9:00 a.m. to 9:00 p.m. on weekends, in accordance with the City of Modesto Municipal Code. Therefore, the proposed project refinements would be consistent with the analysis conducted in the approved 2005 IS/FOC. Noise impacts from construction activities associated with Phase 2 proposed project refinements would therefore be less than significant. No new mitigation measures would be required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on noise and vibration or a substantial increase in the severity of previously identified effects on noise and vibration. The proposed refinements also do not constitute new information of substantial importance regarding noise and vibration that was not known and could not have been known with the exercise of reasonable diligence at the time the IS/FOC was approved.

The analysis of noise and vibration impacts for the proposed project in the approved IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.13 Population and Housing

The Phase 2 components of the proposed project consist of site grading relating to the development of an on-site back water channel, outdoor classroom, and trail construction, among other project components discussed in Section 2.1 of this Addendum. Construction of the proposed project refinements would be consistent with the description in the IS/FOC. Because the labor force would likely come from the local labor pool and union hiring halls, implementation of Phase 2 with the proposed project refinements would not contribute to population growth, induce direct or indirect growth in the project study area, or displace populations. There would be no impact, and no mitigation measures would be required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on population and housing or a substantial increase in the severity of previously identified effects on population and housing resources. The proposed refinements also do not constitute new information of substantial importance regarding population and housing that was not known and could not have been known with the exercise of reasonable diligence at the time the IS/FOC was approved.

The analysis of population and housing impacts for the proposed project in the approved IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.14 Public Services

Public services serving the Phase 2 project area are similar to those described in the previously approved 2005 IS/FOC.

Fire Protection Services

As discussed in the approved 2005 IS/FOC, the development of the Gateway Precise Plan would increase the number of visitors, thus increasing the demand for fire protection and emergency medical services. The proposed project refinements would not alter the expected number of visitors. The revegetation of the Phase 2 parcel associated with the proposed project refinements would include a similar risk of wildfire as discussed in the 2005 IS/FOC. Implementation of Master EIR Mitigation Measure Fire-1 would ensure that implementing Phase 2 with the proposed project refinements would have a less-than-significant impact on the ability of the Modesto Fire Department and Stanislaus County Fire Protection District to provide adequate emergency vehicle access. This mitigation measure requires consultation with the Modesto Fire Department and Stanislaus County Fire Protection District before finalization of detailed site plans. Implementation of Master EIR Mitigation Measure Fire-2 would ensure that implementing Phase 2 with the proposed project refinements would have a less-than-significant impact on fire protection services. This mitigation measure requires the implementation of a vegetation management program targeted toward fire prevention and control and carried out consistent with the TRRP Master Plan's fuel reduction and management plan.

Police Services

As discussed in the approved 2005 IS/FOC, implementation of the Gateway Parcel Precise Plan would require additional police patrols for enhanced security, specifically for special events. The proposed project refinements would not result in an increased need for police services other than those discussed in the 2005 IS/FOC.

School Facilities

As discussed in the approved 2005 IS/FOC, implementation of the Gateway Precise Plan would not result in the need for additional school facilities because it would not induce population growth. Implementation of Phase 2 with the proposed project refinements would be consistent with the project as described and analyzed in the 2005 IS/FOC and would not increase the use of or demand for existing school services.

Park Facilities and Open Space

As discussed in the approved 2005 IS/FOC, implementation of the Gateway Precise Plan would increase the amount of parkland available to the public, reducing the pressure on existing park facilities in the area. Personnel would be required to maintain the park facilities, but this would not substantially reduce the ability of the Cities of Modesto and Ceres or Stanislaus County to adequately maintain parkland elsewhere. The proposed Phase 2 project refinements would not alter the beneficial impacts of implementing the Gateway Precise Plan or the level of park personnel required to maintain parkland elsewhere.

Therefore, the impact of implementing Phase 2 with the proposed project refinements would be less than significant, and no new mitigation measures would be required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on public services or a substantial increase in the severity of previously identified effects on public services. The proposed refinements also do not constitute new information of substantial importance regarding public services that was not known and could not have been known with the exercise of reasonable diligence at the time the IS/FOC was approved.

The analysis of public services impacts for the proposed project in the approved IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.15 Recreation

The existing setting of the Phase 2 project area is similar to that of the previously approved project footprint. Phase 1 has been implemented within the Gateway Parcel since approval of the 2005 IS/FOC, allowing for new recreational opportunities in Modesto.

The recreational uses associated with the proposed Phase 2 project refinements would not differ from those evaluated in the IS/FOC. Development of the Gateway Parcel would not increase the use of existing neighborhood or regional parks such that substantial physical deterioration of a facility would occur or be accelerated. There would be no impact. No mitigation measures would be required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on recreation or a substantial increase in the severity of previously identified effects on recreation. The proposed refinements also do not constitute new information of substantial importance regarding recreation that was not known and could not have been known with the exercise of reasonable diligence at the time the IS/FOC was approved.

The analysis of recreation impacts for the proposed project in the approved IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.16 TRANSPORTATION/TRAFFIC

A traffic and parking analysis management plan was prepared for the Gateway Parcel Precise Plan in 2005. The proposed project refinements would not change the previously analyzed daily transportation use associated with the Gateway Parcel. The Phase 2 project refinements would not include any parking facilities or project construction that would alter the findings of the 2005 IS/FOC. As discussed in the 2005 IS/FOC, the Gateway Parcel includes a 530-space parking supply for day use. The project refinements would not result in an increase in daily traffic demand. Most of the Phase 2 project visitors would migrate from other segments of the Gateway Parcel. With regard to transportation and traffic, the construction and operation of the proposed Phase 2 components with the project refinements would not cause a substantial increase in existing traffic loads or changes to current levels of service. The impact of the proposed project refinements on traffic and transportation patterns would be less than significant. No new mitigation measures would be required.

As discussed in Section 2.1, the access point connecting the trail system to Seventh Street and Tuolumne Boulevard as initially proposed in the TRRP Gateway Precise Plan would be similar under the Phase 2 refinements. The trail alignment would meander south from the Seventh Street Bridge in an S-shaped grade from near the bridge toward the Tuolumne River with a trail slope of no greater than 5 percent.

Furthermore, the trail network constructed under the proposed project refinements would be consistent with providing adequate emergency access as discussed in the 2005 IS/FOC. The proposed project refinements also would not conflict with alternative transportation plans and policies. Impacts on emergency access would be less than significant. No new mitigation measures would be required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on transportation and traffic or a substantial increase in the severity of previously identified effects on transportation and traffic. The proposed refinements also do not constitute new information of substantial importance regarding transportation and traffic that was not known and could not have been known with the exercise of reasonable diligence at the time the IS/FOC was approved.

The analysis of transportation and traffic impacts for the proposed project in the approved IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.17 UTILITIES AND SERVICE SYSTEMS

The proposed project refinements do not include any changes to the existing utilities and public service systems as analyzed under the 2005 IS/FOC. The Phase 2 project components would not require any wastewater, water distribution, or solid waste facilities. Project site grading for the creation of a vegetated back water channel, as discussed in Section 2.1 of this Addendum, would provide for "stormwater wetlands" that would filter water runoff within the project site before it enters the Tuolumne River. The proposed project refinements would not change the existing demand of the Gateway Parcel on utility and services systems. Impacts on utilities and service systems would be less than significant. No new mitigation measures would be required.

The proposed project refinements are not considered substantial changes to the project that require major revisions to the approved 2005 IS/FOC because of the involvement of new significant environmental effects on utilities and service systems or a substantial increase in the severity of previously identified effects on utilities and service systems. The proposed refinements also do not constitute new information of substantial importance regarding utilities and service systems that was not known and could not have been known with the exercise of reasonable diligence at the time the IS/FOC was approved.

The analysis of utilities and service systems impacts for the proposed project in the approved IS/FOC and for the proposed project refinements in this Addendum is sufficient to meet CEQA requirements and support the approval of the proposed project refinements.

3.1.18 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental commitments and mitigation measures included in the 2005 IS/FOC, and discussed in the preceding sections, as appropriate, were designed to avoid, minimize, rectify, reduce or eliminate, and compensate for potentially significant environmental impacts, and to reduce impacts on the physical environment, fish or wildlife, and to human beings. As discussed in the 2005 IS/FOC, The Precise Plan would have environmental impacts that would adversely affect fish, wildlife, and human beings. Fish and wildlife would be affected by construction activities (i.e. vegetation removal and site grading). Human beings would be primarily affected by traffic, noise and construction-related air quality. Minimization measures are included in the 2005 IS/FOC to reduce these impacts to a less-than-significant level. The proposed project refinements analyzed in this Addendum would not change the previously analyzed impacts to fish, wildlife, or human beings. New Mitigation Measure AD Bio-1 has been included as further protection for western pond turtles that may occur on the project site. Furthermore, Mitigation Measure Bio-1 from the 2005 IS/FOC has been revised to specify that tree removal as part of the proposed project refinements for the proposed back water channel would be minimized with an implemented 1:1 planting ratio in accordance with the CDFW Section 1600-1616 California Fish and Game Code Lake and Streambed Alteration permit. No new impacts to human beings would result from the proposed project refinements.

In the "Mandatory Findings of Significance" section of the approved 2005 IS/FOC, the proposed project is considered together with related projects and regional development for each of the environmental issue areas evaluated in the analysis. Consistent with the intent of a cumulative analysis, where the combined effects of multiple projects are to be considered, the various elements of the proposed project are generally evaluated as a whole. The incremental contribution of adverse effects associated with implementation of the proposed project and project refinements would be reduced with the implementation of environmental commitments and mitigation

measures identified in the previously approved 2005 IS/FOC and new mitigation measures identified in this Addendum to the 2005 IS/FOC. As documented throughout this Addendum, implementing the proposed project refinements would not result in any new significant impacts or substantially more severe impacts. Furthermore, there are no new circumstances since approval of the 2005 IS/FOC that would result in new potentially significant or significant impacts or would substantially increase the severity of previously identified impacts. There is no other new information requiring analysis or verification. Therefore, the project refinements evaluated in this Addendum would remain consistent with the conclusions of the cumulative impact analysis in the previously approved 2005 IS/FOC.

3.2 CONCLUSIONS REGARDING THE ENVIRONMENTAL ANALYSIS OF THE PROJECT REFINEMENTS

3.2.1 ENVIRONMENTAL RESOURCE IMPACTS

As described in the preceding sections, the proposed project refinements evaluated in this Addendum would not change any of the impact conclusions of the previously approved 2005 IS/FOC and would not substantially increase the severity of identified impacts. Mitigation Measure AD-Bio 1 is not related to a new impact. This mitigation measure would address more site-specific impacts associated with the proposed Phase 2 project refinements on western pond turtles. This mitigation measure itself would not result in any new adverse impacts.

3.2.2 CONCLUSION

Based on the analysis of the categories of environmental impacts evaluated above, implementing the project with the proposed project refinements described in this document would result in none of the conditions described in Section 15162 of the State CEQA Guidelines calling for preparation of a subsequent EIR, ND, or MND. In summary, there are no altered circumstances or new information of substantial importance since the adoption of the IS/FOC based on the evaluation of proposed Phase 2 project refinements in this Addendum. The proposed project refinements would not:

- result in any new potentially significant or significant environmental effects;
- substantially increase the severity of previously identified effects;
- result in mitigation measures or alternatives, previously found to be infeasible, becoming feasible; or
- result in availability/implementation of mitigation measures or alternatives that are considerably different from those analyzed in the previous document that would substantially reduce one or more significant effects on the environment.

These conclusions confirm that this Addendum to the previously adopted IS/FOC is the appropriate CEQA document to evaluate and record the proposed project refinements described in this document.

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APPENDIX A

Biological Site Survey for the Tuolumne River Regional Park Gateway Parcel, Phase 2

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CC:

Date: December 22, 2014

Subject: Biological Site Survey for the Tuolumne River Regional Park Gateway Parcel, Phase 2

Introduction

The City of Modesto proposes to implement Phase 2 of the *Gateway Precise Plan* on behalf of the Tuolumne River Regional Park (TRRP) Joint Powers Authority (comprising the City of Modesto, the City of Ceres, and Stanislaus County). The *Gateway Precise Plan* is a component of the *Tuolumne River Regional Park Master Plan* (TRRP Master Plan), which was adopted by the City of Modesto, the City of Ceres, and Stanislaus County by resolution in December 2001 (TRRP Joint Powers Authority 2001). The TRRP Master Plan is a long-range plan for a proposed 500-acre regional riverfront park that would extend along a 7-mile stretch of the Tuolumne River south of downtown Modesto. The plan provides a long-range vision for the park that guides projects intended to enhance both the natural environment and the park's recreational and educational opportunities. A master environmental impact report (MEIR) for the TRRP Master Plan was certified by the City of Modesto in September 2001.

The Gateway Parcel is one of six planning areas addressed in the TRRP Master Plan. The TRRP Joint Powers Authority envisions the Gateway Parcel as a high-profile public gathering place that is close to the commercial centers of Modesto and Ceres and accessible to the rest of the region along major arterial streets and State Route 99, as defined in the TRRP Master Plan. The study area for Phase 2 is the eastern portion of the Gateway Parcel (Exhibit 1). Situated along the north bank of the Tuolumne River, this area is regionally accessible from State Route 99, and Tuolumne River Boulevard forms its northern boundary. The study area is located within Sections 32 and 33 of the U.S. Geological Survey 7.5-minute Riverbank Quadrangle, Township 3 South, Range 9 East (Exhibit 2).

This memorandum describes the methods for and results of the field reconnaissance survey conducted on December 4, 2014, for the TRRP Gateway Parcel, Phase 2. The purpose of the field survey was to assess current site conditions; to provide updated information about the potential for special-status species to occur; and to confirm the findings of the wetland delineation report prepared in 2004 as part of the TRRP's *Gateway Precise Plan* (City of Modesto 2004a). This memorandum reports that no terrestrial special-status species were identified at the time of the field survey. Habitat for special-status bird and fish species is present in the study area.

Methods

Before conducting the field survey, AECOM biologists reviewed the existing environmental documentation prepared for the TRRP Master Plan, MEIR, TRRP *Gateway Precise Plan* initial study. The biologists also reviewed technical biological resource reports prepared for the Gateway Parcel including the preliminary wetland delineation report (City of Modesto 2004a), the special-status species memorandum (City of Modesto 2004b), and the memorandum regarding aquatic habitat and special-status fish species (City of Modesto 2004c). In addition, recent aerial photography and topographic maps were reviewed.

Exhibit 1. **Location of the Tuolumne River Regional Park Gateway Parcel, Phase 2, Stanislaus County, California**

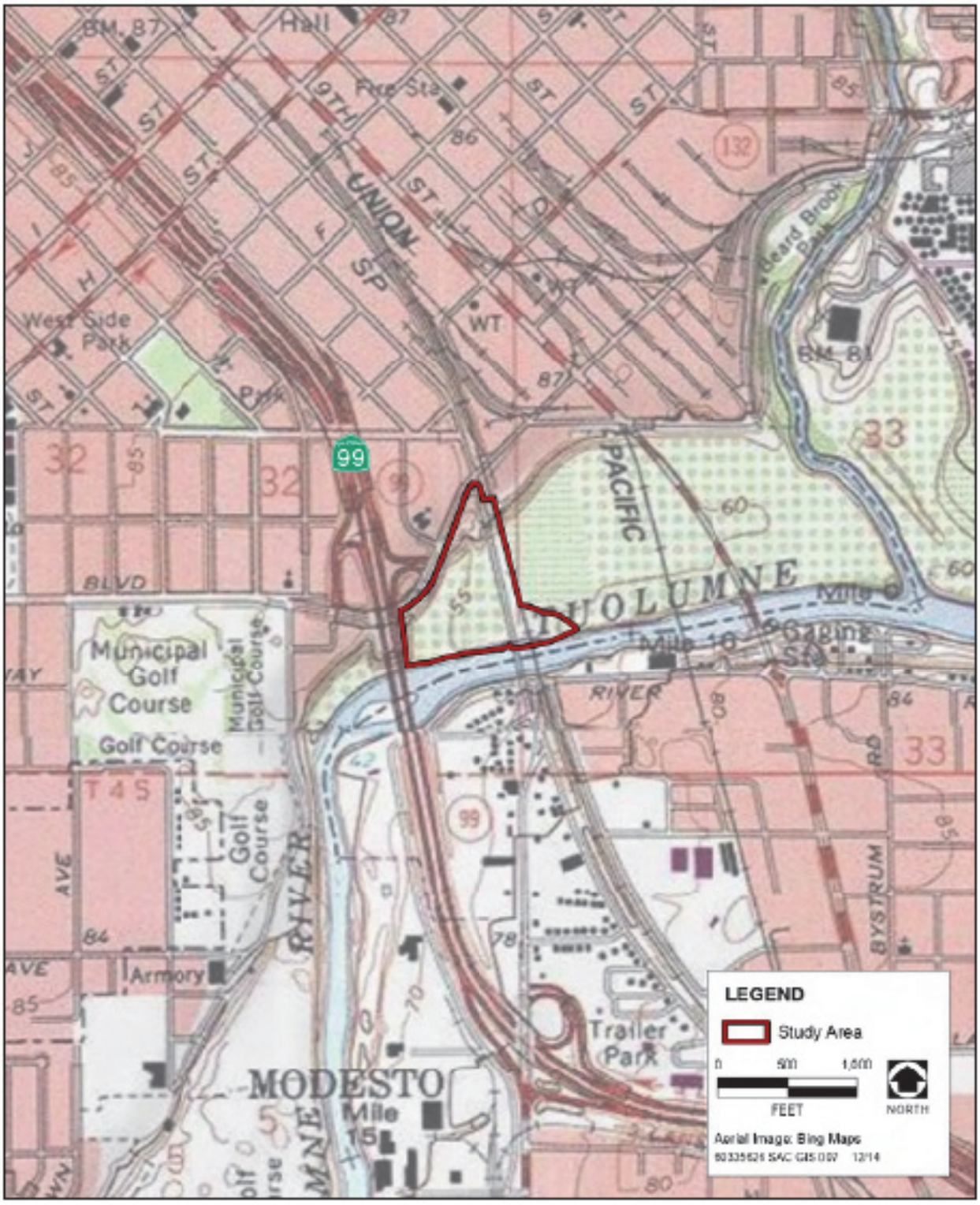


Exhibit 2. **Location of the Tuolumne River Regional Park Gateway Parcel, Phase 2, Stanislaus County, California**

Information about special-status plant and wildlife species with potential to occur in the study area was compiled by searching the following databases maintained by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and California Native Plant Society (CNPS), respectively:

- Federal Endangered and Threatened Online Species List (USFWS 2014)
- California Natural Diversity Database (CNDDB) (2014)
- Electronic Inventory of Rare and Endangered Vascular Plants (CNPS 2014)

The USFWS database, CNDDB, and CNPS inventory were queried using the U.S. Geological Survey 7.5-minute Riverbank Quadrangle and the eight surrounding quadrangles as search criteria. The results of the database searches are provided as Attachment A.

AECOM biologists Sarah A. N. Bennett and Lindsay Kantor conducted a field survey to document existing conditions in the study area; document the location and extent of any waters of the United States, including wetlands; and evaluate the site's potential to provide habitat for special-status species. Nathan Houx, the parks project coordinator and landscape architect for the TRRP Gateway Parcel, Phase 2 Project, met the AECOM biologists on-site to discuss utility constraints and design. The field survey was conducted on December 4, 2014. Skies were clear and sunny with a high temperature approaching 70 degrees Fahrenheit. A total of 2.23 inches of precipitation had been recorded for the week preceding the field survey, with more than 1 inch of rainfall recorded on December 3, 2014.

The 1987 *U.S. Army Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the 2008 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Environmental Laboratory 2008) were used to delineate wetlands potentially subject to U.S. Army Corps of Engineers (USACE) jurisdiction under Section 404 of the Clean Water Act (CWA). Routine wetland determination data forms were completed for three sample points and are provided in Attachment B.

Results

The study area is located within the Modesto city limits and is surrounded by development and urban infrastructure, which typically offer limited habitat for special-status species. The study area is characterized by ruderal, annual grassland, riparian, and open-water habitat located between the banks of the Tuolumne River.

Riparian corridors in urban landscapes generally have reduced habitat values as a result of anthropogenic influences that include encroachment of structures and people; colonization by nonnative plant species and horticultural escapees; and physical, chemical, and noise pollution. In the study area, the 7th Street Bridge and the Union Pacific Railroad (UPRR) trestle cross the Tuolumne River. A sewer outfall pipe conveying stormwater is located approximately 50 feet west of the 7th Street Bridge. Although habitat values may be reduced, riparian areas in urban landscapes represent important movement corridors for common wildlife species.

The riparian canopy along the Tuolumne River has two distinct compositions east and west of the sewer outfall. West of the sewer outfall, mature English walnut (*Juglans regia*) dominates the floodplain terrace, indicating the remnants of an orchard. Mature box elder (*Acer negundo*) and red willow (*Salix laevigata*) are present along the river escarpment and box elder saplings are encroaching on the floodplain terrace. The understory is dominated by nonnative grasses including ripgut brome (*Bromus*

diandrus) and soft chess (*B. hordeaceous*). East of the sewer outfall, box elder and valley oak (*Quercus lobata*) are the dominant trees, with scattered occurrences of Fremont's cottonwood (*Populus fremontii*). Narrowleaf willow (*Salix exigua*) and button willow (*Cephalanthus occidentalis*) shrubs are abundant in the riparian community, with button willow confined to the lower reaches of the river escarpment. Tree tobacco (*Nicotiana glauca*), an invasive species, is also a dominant species in the shrub layer of the riparian habitat in the eastern portion of the study area. The herbaceous layer is dominated by nonnative grasses, but forbs and vines—specifically, western ragweed (*Ambrosia psilostachya*) and Himalayan blackberry (*Rubus armeniacus*)—are present along the river escarpment, above the ordinary high-water mark (OHWM) of the river.

The Tuolumne River is a perennial river with an unconsolidated bottom. It is subject to USACE jurisdiction under CWA Section 404 and Section 10 of the Rivers and Harbors Act as a navigable waterway. The river also is under the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB) under CWA Section 401, CDFW under Section 1600 of the California Fish and Game Code, and the Central Valley Flood Protection Board (CVFPB) as a regulated stream.

The river is incised approximately 12–15 feet below the top of bank and has steep banks. The OHWM was determined to be approximately 2–3 feet above the surface water elevation at the time of the field survey and was identified by a scour line and a change in the vegetative community. The banks of the river are generally colonized with nonnative grass species. Below the OHWM, however, grass species are sparse and Baltic rush (*Juncus balticus*) and tall flat sedge (*Cyperus eragrostis*) are the dominant plant species. Water hyacinth (*Eichhornia crassipes*), a free-floating invasive species, is prevalent in the Tuolumne River.

The 2004 wetland delineation report classified the ruderal habitat located between the riparian corridor and Tuolumne Boulevard as a plowed field (City of Modesto 2004a). This area is mowed or plowed twice annually to control for fire (Houx, pers. comm., 2014). Nonnative grasses are prevalent in this habitat. Observed nonnative grasses consist of ripgut brome, soft chess, Johnsongrass (*Sorghum halepense*), and foxtail barley (*Hordeum murinum*). Also prevalent are several nonnative broadleaf species: redstem filaree (*Erodium botrys*), cheeseweed (*Malva parviflora*), black mustard (*Brassica nigra*), hairy vetch (*Vicia villosa*), prickly lettuce (*Lactuca serriola*), and yellow starthistle (*Centaurea solstitialis*). Rancher's fireweed (*Amsinkia menziezii*) is the most abundant native species in this habitat. Native species also include the following forbs: telegraph weed (*Heterotheca grandiflora*), common sunflower (*Helianthus annuus*), and California poppy (*Eschscholzia californica*). Tree of heaven (*Ailanthus altissima*), box elder, and valley oak also are present along the northwestern perimeter, generally along the slope that grades upward to Tuolumne Boulevard. Evidence of recent fire is present along this slope. The ruderal habitat is located within the 100-year Federal Emergency Management Agency floodplain and is a designated floodway that is subject to CVFPB jurisdiction.

The annual grassland habitat in the study area is primarily limited to the banks of the Tuolumne River. The dominant species in annual grassland are ripgut brome, soft chess, foxtail barley, and wild oat (*Avena fatua*).

Special-Status Species

A list of special-status species with the potential to occur in the study area or immediate vicinity (if suitable habitat conditions were present) was developed based on the existing environmental documentation for TRRP and on the database searches described above. The list contained the 13 special-status plant species listed below. These species were eliminated from further consideration in this document because the study area is outside the known range of the species, or because no

suitable habitat exists for the species in or adjacent to the study area. These findings were confirmed during the December 4, 2014, field survey.

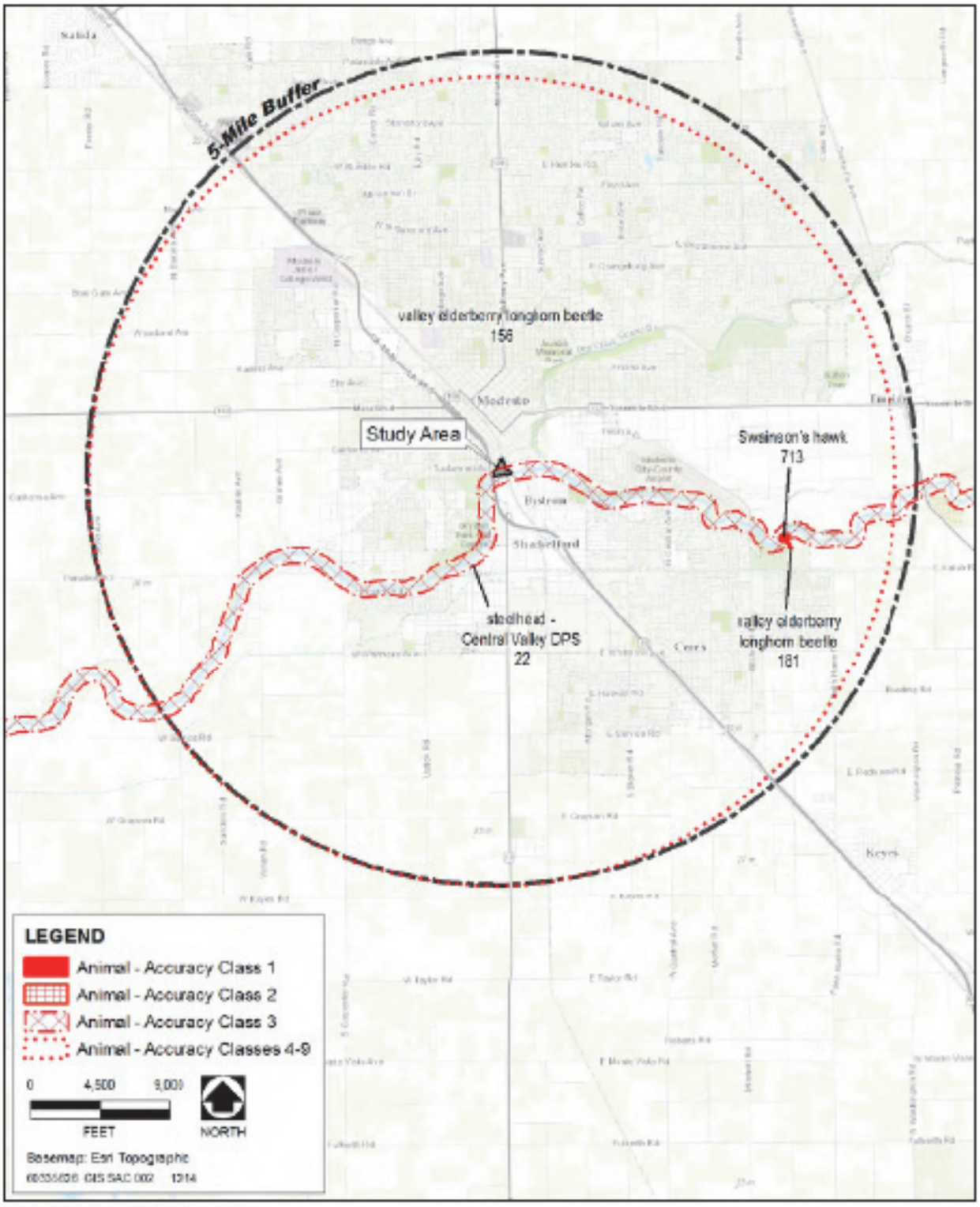
- *Atriplex cordulata* var. *cordulata*, heartscale
- *Atriplex subtilis*, subtle orache
- *Centromadia parryi* ssp. *rudis*, Parry's rough tarplant
- *Clarkia rostrata*, beaked clarkia
- *Eryngium racemosu*, delta button celery
- *Hibiscus lasiocarpus* var. *occidentalis*, woolly rose-mallow
- *Legenere*, limosa legenere
- *Monardella leucocephala*, Merced monardella
- *Neostapfia colusana*, Colusa grass
- *Orcuttia inaequalis*, San Joaquin Valley Orcutt grass
- *Sagittaria sanfordii*, Sanford's arrowhead
- *Sphenopholis obtusata*, prairie wedge grass
- *Tuctoria greenei*, Greene's tuctoria

The list also contained 16 special-status wildlife species listed below. These additional species were eliminated from further consideration in this document because the study area is outside the known range of the species or because no suitable habitat exists. These findings were confirmed during the December 4, 2014, field survey.

- *Acipenser medirostris*, green sturgeon
- *Hypomesus transpacificus*, delta smelt
- *Branchinecta conservatio*, conservancy fairy shrimp
- *Branchinecta lynchi*, vernal pool fairy shrimp
- *Lepidurus packardi*, vernal pool tadpole shrimp
- *Ambystoma californiense*, California tiger salamander
- *Rana draytonii*, California red-legged frog
- *Phrynosoma blainvillii*, Blainville's horned lizard
- *Thamnophis gigas*, giant garter snake
- *Agelaius tricolor*, tricolored blackbird
- *Icteria virens*, yellow-breasted chat
- *Athene cunicularia*, western burrowing owl
- *Corynorhinus townsendii*, Townsend's big-eared bat
- *Eumops perotis californicus*, western mastiff bat
- *Lasiurus blossevillii*, western red bat
- *Vulpes macrostis mutica*, San Joaquin kit fox

Special-Status Wildlife Species with Potential to Occur in or near the Study Area

As described below, three special-status wildlife species are documented within 5 miles of the study area (Exhibit 3) and were previously identified as having potential to occur in the study area.



Source: CNDDB December 2014

Exhibit 3. **CNDDB Occurrences within 5 Miles of the Study Area**

- **Central Valley steelhead (*Oncorhynchus mykiss*)**, a federally protected species that is listed as threatened under the Endangered Species Act (ESA), has been documented in the Tuolumne River, and the river is designated critical habitat for the species (65 *Federal Register* 7764, February 16, 2000). Although it is possible that steelhead would use the Tuolumne River in the study area for migration, they would not be expected to use it for rearing. Adult steelhead migrate upstream to spawn from December through April and smolts migrate downstream in March through May.

- **Valley elderberry longhorn beetle (VELB) (*Desmocerus californicus dimorphus*)**, a federally protected species that is listed as threatened status under the ESA, is known to occur along the Tuolumne River. VELB are dependent on the elderberry shrub (*Sambucus nigra* ssp. *caerulea*) to complete their life cycle. No elderberry shrubs were observed in the Phase 2 study area; therefore, suitable habitat for VELB is not present.

- **Swainson's hawk (*Buteo swainsoni*)** is a state-listed threatened species that is protected under the California Endangered Species Act (CESA). Suitable foraging habitat for this species is present in the study area's ruderal habitat. It is unlikely that Swainson's hawk would nest in the study area because this species favors over-mature valley oak and Fremont's cottonwood. Although these tree species are present in the study area, the trees are not of a size that the raptor favors when choosing a nest location. Therefore, there is low potential for Swainson's hawk to nest in the study area.

The 11 additional special-status wildlife species described below were previously identified as having the potential to occur in the study area or vicinity. The field survey conducted on December 4, 2014, confirmed these previous findings.

- **River lamprey (*Lampetra ayresi*)** is a CDFW Species of Special Concern (SSC). This species has received little scientific attention, and uncertainty exists regarding its status and biology. The biology of river lampreys has not been studied in California (Moyle 2002). Most records of river lamprey in California have been for the lower Sacramento–San Joaquin River system. Individuals may have been present in the Tuolumne River (Ford and Brown 2001), but subsequent studies have not been conducted to confirm their presence. The Tuolumne River provides aquatic habitat conditions that are conducive to use by river lamprey, particularly the immature life stage (ammocoete), and the species should be considered as potentially occurring in the study area.

- **Kern brook lamprey (*Lampetra hubbsi*)** is an SSC and is endemic to the east side of the San Joaquin Valley. This species has been found in the Lower Merced, Kaweah, Kings, and San Joaquin Rivers (Moyle 2002), but has not been reported from the Tuolumne River. The adult form of the Kern brook lamprey is nonpredatory and prefers gravel for spawning and rubble for cover. The ammocoetes can be found in silty backwaters and shallow pools in natural conditions (Moyle 2002). Although use of the study area for spawning is not likely, the Tuolumne River provides suitable habitat for the ammocoete stage in the study area.

- **Sacramento splittail (*Pogonichthys macrolepidotus*)** is an SSC and is presently found primarily in the Sacramento–San Joaquin Delta, Suisun Bay, Suisun Marsh, and other parts of the Sacramento–San Joaquin estuary. Successful spawning has been observed in the Tuolumne River during wet years in the 1980s (Moyle et al. 1995). Brown (2000) found young-of-year splittail in lower reaches of the Tuolumne River and concluded that spawning or young-of-year rearing occurs

there (Ford and Brown 2001). Splittail are found primarily in freshwater and appear to prefer shallow-water habitat in slow-moving sections of rivers and sloughs. Therefore, splittail should be considered as potentially occurring in the study area.

- **Central Valley fall/late fall–run evolutionarily significant unit Chinook salmon (*Oncorhynchus tshawytscha*)** is an SSC. The Tuolumne River supports a naturally reproducing population that is the largest population in the San Joaquin Basin. Adult Chinook spawn in the Tuolumne River from September through December, with arrivals typically peaking in November. Although spawning may occur throughout the gravel-bedded reach of the river, almost all spawning occurs upstream of Hickam Bridge. Young salmon may leave the river as fry or remain in the river for up to a year. Therefore, Chinook salmon are known to occur in the vicinity of the study area (during migration and potentially during rearing).

- **Western pond turtle (*Emys marmorata*)** is an SSC. Western pond turtles are found in slow-moving aquatic habitats, such as ponds, marshes, streams, and irrigation ditches. They use submerged or emergent vegetation for foraging and basking while partially submerged, and require logs or other objects for basking out of the water. Western pond turtles nest in upland habitats adjacent to aquatic sites that provide a suitable thermal and hydric environment for incubation of eggs. Although no western pond turtles were observed at the time of the field survey, this species is expected to occur in the study area along the banks of the Tuolumne River.

- **White-tailed kite (*Elanus caeruleus*)** is a CDFW fully protected species. This species forages primarily in and around grasslands, wetlands, and marshes close to isolated trees that are used for nesting and perching. No white-tailed kites were observed in the study area, but this species has high potential to be found foraging in the ruderal habitat and grassland habitats present in the study area, and it could potentially nest in the riparian trees.

- **Northern harrier (*Circus cyaneus*)** is an SSC. Northern harriers nest on the ground in dense, low-lying vegetation such as emergent wetlands, grasslands, and field crops. This species is potentially present in the study area throughout the year, but it is probably most common in the fall and winter, foraging within the ruderal and grassland habitats. Nesting potential is low because of the high degree of human intrusion and the high potential for ground predators, including feral cats.

- **Loggerhead shrike (*Lanius ludovicianus*)** is an SSC. Loggerhead shrikes are resident and winter visitors in lowlands and foothills throughout California. Preferred habitat includes open areas such as desert, grasslands, and savanna. Loggerhead shrikes nest in trees with thick foliage or in tall shrubs, and they forage in open habitats that contain trees, fence posts, utility poles, and other perches. These are usually solitary birds. They feed on insects, reptiles, and small mammals, which they frequently impale on thorns and barbed wire after capturing. Suitable foraging habitat for loggerhead shrike occurs in the ruderal and grassland habitats of the study area. This species was not observed on the Gateway Parcel. Therefore, loggerhead shrike has potential to occur during the winter, foraging in the study area, and the species has moderate potential to nest in or adjacent to the study area.

- **Yellow warbler (*Dendroica petechia*)** is an SSC that breeds in riparian woodlands. Historically, yellow warblers were locally common summer residents in suitable habitat throughout most of California. However, populations of this species have declined dramatically as a result of the

conversion of riparian habitat to agriculture and urbanization, and nest parasitism by brown-headed cowbirds (*Molothrus ater*). Yellow warblers are likely to migrate through the study area but have low potential to be found nesting in the study area.

Conclusions

No special-status plant species were observed during the December 4, 2014, survey and no suitable habitat is present in the study area. However, the Phase 2 study contains suitable habitat for 11 special-status wildlife species. All 11 species were previously identified as having the potential to occur in the study area, and this previous finding was confirmed during the December 4, 2014, survey. VELB was previously identified as potentially occurring in the study area because two elderberry shrubs were documented in the study area along the UPRR trestle and in the riparian habitat located near the eastern boundary of the Phase 2 study area. However, no elderberry shrubs were observed in the study area on December 4, 2014. A trestle fire in 2008 likely destroyed the elderberry shrub that had been growing under the UPRR trestle, and the shrub at the eastern edge of the study area was transplanted as part of Phase 1.2 of the TRRP (USFWS 2007; Houx, pers. comm., 2014).

The study area contains suitable foraging habitat for Swainson's hawk, but it is unlikely to support nesting given the lack of suitable nesting trees in the study area. White-tailed kite, northern harrier, loggerhead shrike, and other migratory bird species have the potential to nest in the study area. Therefore, surveys for nesting birds are recommended if construction would occur within the nesting bird season (February 15 to August 31). Surveys should be conducted within an appropriate radius of the study area (within 500 feet for raptors, 150 feet for all other nesting birds). If active nests are located, no construction should occur within a biologist-determined radius of the nest area between February 15 and August 31, or until the nestlings have fledged and would no longer be affected by project activities (as determined by a qualified biologist).

A preconstruction survey for western pond turtle is also recommended because of the potential for this species to occur in the study area. A qualified biologist should conduct a preconstruction survey in aquatic habitats (Tuolumne River) and adjacent suitable uplands that would be disturbed by project activities.

The Tuolumne River is suitable habitat for several fish species. It is the only jurisdictional water feature in the study area. Modification of the bed, bank, or channel of the Tuolumne River would require consultation with the National Marine Fisheries Service under Section 7 of ESA because the Tuolumne River is considered critical habitat for Central Valley steelhead. Most of the proposed project activities within the bed, bank, or channel of the Tuolumne River would also require the following permits or authorizations: CDFW Section 1600 lake and streambed alteration agreement, USACE CWA Section 404 permit and authorization under Section 10 of the Rivers and Harbors Act, Central Valley RWQCB Section 401 water quality certification, and a CVFPB encroachment permit for any work within the 100-year floodplain or channel of the Tuolumne River.

Re-verification of the 2004 wetland delineation map should be requested from USACE as a part of the Section 404 CWA permit process. The survey conducted on December 4, 2014, confirmed that conditions have not changed since the initial delineation was conducted in 2004. A copy of the 2004 wetland delineation map is provided in Attachment B.

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ATTACHMENT A

Results of Database Searches

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad is (Riverbank (3712068) or Avena (3712171) or Escalon (3712078) or Oakdale (3712077) or Waterford (3712067) or Denair (3712057) or Ceres (3712058) or Brush Lake (3712151) or Salida (3712161))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Agelaius tricolor tricolored blackbird	ABPBXB0020	None	None	G2G3	S1S2	SSC
Ambystoma californiense California tiger salamander	AAAAA01180	Threatened	Threatened	G2G3	S2S3	SSC
Ardea herodias great blue heron	ABNGA04010	None	None	G5	S4	
Athene cunicularia burrowing owl	ABNSB10010	None	None	G4	S3	SSC
Atriplex cordulata var. cordulata heartscale	PDCHE040B0	None	None	G3T2	S2	1B.2
Atriplex subtilis subtle orache	PDCHE042T0	None	None	G1	S1	1B.2
Branchinecta lynchi vernal pool fairy shrimp	ICBRA03030	Threatened	None	G3	S2S3	
Branta hutchinsii leucopareia cackling (=Aleutian Canada) goose	ABNJB05035	Delisted	None	G5T3	S2	
Buteo swainsoni Swainson's hawk	ABNKC19070	None	Threatened	G5	S3	
Clarkia rostrata beaked clarkia	PDONA050Y0	None	None	G2G3	S2S3	1B.3
Corynorhinus townsendii Townsend's big-eared bat	AMACC08010	None	Candidate Threatened	G3G4	S2	SSC
Desmocerus californicus dimorphus valley elderberry longhorn beetle	IICOL48011	Threatened	None	G3T2	S2	
Egretta thula snowy egret	ABNGA06030	None	None	G5	S4	
Emys marmorata western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
Eumops perotis californicus western mastiff bat	AMACD02011	None	None	G5T4	S3S4	SSC
Icteria virens yellow-breasted chat	ABPBX24010	None	None	G5	S3	SSC
Lasiurus blossevillii western red bat	AMACC05060	None	None	G5	S3	SSC
Lasiurus cinereus hoary bat	AMACC05030	None	None	G5	S4?	
Legenere limosa legenere	PDCAM0C010	None	None	G2	S2	1B.1

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Exhibit A-1.

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Lepidurus packardi vernal pool tadpole shrimp	ICBRA10010	Endangered	None	G3	S2S3	
Lytta moesta moestan blister beetle	IICOL4C020	None	None	G2	S2	
Mylopharodon conocephalus hardhead	AFCJB26010	None	None	G3	S3	SSC
Myotis yumanensis Yuma myotis	AMACC01020	None	None	G5	S4?	
Neostapfia colusana Colusa grass	PMPOA4C010	Threatened	Endangered	G2	S2	1B.1
Northern Hardpan Vernal Pool Northern Hardpan Vernal Pool	CTT44110CA	None	None	G3	S3.1	
Oncorhynchus mykiss irideus steelhead - Central Valley DPS	AFCHA0209K	Threatened	None	G5T2Q	S2	
Orcuttia inaequalis San Joaquin Valley Orcutt grass	PMPOA4G050	Threatened	Endangered	G1	S1	1B.1
Sphenopholis obtusata prairie wedge grass	PMPOA5T030	None	None	G5	S2	2B.2
Tuctoria greenei Greene's tuctoria	PMPOA6N010	Endangered	Rare	G1	S1	1B.1

Record Count: 29

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Report Printed on Friday, December 12, 2014

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Information Expires 6/2/2015

Exhibit A-1.

CNPS California Native Plant Rare and Endangered Plant Inventory

Plant List

9 matches found. *Click on scientific name for details*

Search Criteria

Found in 9 Quads around 37120F8

Scientific Name	Common Name	Family	Lifeform	Rare Plant Rank	State Rank	Global Rank	Lowest Elevation	Highest Elevation	State Listing Status	Federal Listing Status
Atriplex cordulata var. cordulata	heartscale	Chenopodiaceae	annual herb	1B.2	S2	G3T2	0 m	560 m		
Atriplex subtilis	subtle orache	Chenopodiaceae	annual herb	1B.2	S1	G1	40 m	100 m		
Centromadia parryi ssp. rudis	Parry's rough tarplant	Asteraceae	annual herb	4.2	S3	G3T3	0 m	100 m		
Clarkia rostrata	beaked clarkia	Onagraceae	annual herb	1B.3	S2S3	G2G3	60 m	500 m		
Legenere limosa	legenere	Campanulaceae	annual herb	1B.1	S2	G2	1 m	880 m		
Neostapfia colusana	Colusa grass	Poaceae	annual herb	1B.1	S2	G2	5 m	200 m	CE	FT
Orcuttia inaequalis	San Joaquin Valley Orcutt grass	Poaceae	annual herb	1B.1	S1	G1	10 m	755 m	CE	FT
Sphenopholis obtusata	prairie wedge grass	Poaceae	perennial herb	2B.2	S2	G5	300 m	2000 m		
Tuctoria greenei	Greene's tuctoria	Poaceae	annual herb	1B.1	S1	G1	30 m	1070 m	CR	FE

Suggested Citation

CNPS, Rare Plant Program. 2014. Inventory of Rare and Endangered Plants (online edition, v8-02). California Native Plant Society, Sacramento, CA. Website http://www.rareplants.cnps.org [accessed 03 December 2014].

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The Calflora Database
The California Lichen Society

Exhibit A-2.

Exhibit A-2.

U.S. Fish & Wildlife Service
Sacramento Fish & Wildlife Office
Federal Endangered and Threatened Species that Occur in or may be Affected by Projects in the Counties and/or U.S.G.S. 7 1/2 Minute Quads you requested

Document Number: 141203103710

Current as of: December 3, 2014

Quad Lists

Listed Species

Invertebrates

Branchinecta conservatio
Conservancy fairy shrimp (E)

Branchinecta lynchi
vernal pool fairy shrimp (T)

Desmocerus californicus dimorphus
valley elderberry longhorn beetle (T)

Lepidurus packardi
Critical habitat, vernal pool tadpole shrimp (X)
vernal pool tadpole shrimp (E)

Fish

Acipenser medirostris
green sturgeon (T) (NMFS)

Hypomesus transpacificus
delta smelt (T)

Oncorhynchus mykiss
Central Valley steelhead (T) (NMFS)
Critical habitat, Central Valley steelhead (X) (NMFS)

Oncorhynchus tshawytscha
Central Valley spring-run chinook salmon (T) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

Ambystoma californiense
California tiger salamander, central population (T)
Critical habitat, CA tiger salamander, central population (X)

Rana draytonii
California red-legged frog (T)

Reptiles

Thamnophis gigas
giant garter snake (T)

Mammals

Vulpes macrotis mutica
San Joaquin kit fox (E)

Plants

Neostapfia colusana
Colusa grass (T)
Critical habitat, Colusa grass (X)

Orcuttia inaequalis
San Joaquin Valley Orcutt grass (T)

Tuctoria greenei

Exhibit A-3.

Critical habitat, Greene's tuctoria (=Orcutt grass) (X)
Greene's tuctoria (=Orcutt grass) (E)

Quads Containing Listed, Proposed or Candidate Species:

WATERFORD (442A)
RIVERBANK (442B)
CERES (442C)
DENAIR (442D)
SALIDA (443A)
BRUSH LAKE (443D)
ESCALON (460C)
OAKDALE (460D)
AVENA (461D)

County Lists

Listed Species

Invertebrates

Branchinecta conservatio
Conservancy fairy shrimp (E)
Critical habitat, Conservancy fairy shrimp (X)
S

Branchinecta longiantenna
Critical habitat, longhorn fairy shrimp (X)
longhorn fairy shrimp (E)
S

Branchinecta lyochi
Critical habitat, vernal pool fairy shrimp (X)
vernal pool fairy shrimp (T)
S

Desmocerus californicus dimorphus
valley elderberry longhorn beetle (T)
S

Lepidurus packardi
Critical habitat, vernal pool tadpole shrimp (X)
vernal pool tadpole shrimp (E)
S

Fish

Acipenser medirostris
green sturgeon (T) (NMFS)
S

Hypomesus transpacificus
Critical habitat, delta smelt (X)
delta smelt (T)
S

Oncorhynchus mykiss
Central Valley steelhead (T) (NMFS)

Exhibit A-3.

Critical habitat, Central Valley steelhead (X) (NMFS)
South Central California steelhead (T) (NMFS)
S

Oncorhynchus shawytscha
Central Valley spring-run chinook salmon (T) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)
S

Amphibians

Ambystoma californiense
California tiger salamander, central population (T)
Critical habitat, CA tiger salamander, central population (X)
S

Rana draytonii
California red-legged frog (T)
Critical habitat, California red-legged frog (X)
S

Reptiles

Gambelia (=Crotaphytus) silus
blunt-nosed leopard lizard (E)
S

Masticophis lateralis euryxanthus
Alameda whipsnake [=striped racer] (T)
S

Thamnophis gigas
giant garter snake (T)
S

Birds

Sternula antillarum (=Sterna, =albifrons) browni
California least tern (E)
S

Vireo bellii pusillus
Least Bell's vireo (E)
S

Mammals

Dipodomys nitratoides exilis
Fresno kangaroo rat (E)
S

Neotoma fuscipes riparia
riparian (San Joaquin Valley) woodrat (E)
S

Sylvilagus bachmani riparius
riparian brush rabbit (E)

Exhibit A-3.

S

Vulpes macrotis mutica
San Joaquin kit fox (E)
S

Plants
Amsinckia grandiflora
large-flowered fiddleneck (E)
S

Brodiaea pallida
Chinese Camp brodiaea (T)
S

Castilleja campestris ssp. succulenta
Critical habitat, succulent (=fleshy) owl's-clover (X)
succulent (=fleshy) owl's-clover (T)
S

Chamaesyce hooveri
Critical habitat, Hoover's spurge (X)
Hoover's spurge (T)
S

Dudleya setchellii
Santa Clara Valley dudleya (E)
S

Neostapfia colusana
Colusa grass (T)
Critical habitat, Colusa grass (X)
S

Orcuttia inaequalis
Critical habitat, San Joaquin Valley Orcutt grass (X)
San Joaquin Valley Orcutt grass (T)
S

Orcuttia pilosa
Critical habitat, hairy Orcutt grass (X)
hairy Orcutt grass (E)
S

Pseudobahia bahiifolia
Hartweg's golden sunburst (E)
S

Tuctoria greenei
Critical habitat, Greene's tuctoria (=Orcutt grass) (X)
Greene's tuctoria (=Orcutt grass) (E)
S

Verbena californica

Exhibit A-3.

Red Hills (=California) vervain (T)
S

Candidate Species

Amphibians

Bufo canorus
Yosemite toad (C)
S

Birds

Coccyzus americanus occidentalis
Western yellow-billed cuckoo (C)
S

Key:

(E) *Endangered* - Listed as being in danger of extinction.
(T) *Threatened* - Listed as likely to become endangered within the foreseeable future.
(P) *Proposed* - Officially proposed in the Federal Register for listing as endangered or threatened.
(NMFS) Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service. Consult with them directly about these species.
Critical Habitat - Area essential to the conservation of a species
(PX) *Proposed Critical Habitat* - The species is already listed. Critical habitat is being proposed for it
(C) *Candidate* - Candidate to become a proposed species.
(V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.
(X) *Critical Habitat* designated for this species

Important Information About Your Species List

How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute quads. The United States is divided into these quads, which are about the size of San Francisco.

The animals on your species list are ones that occur within, **or may be affected by** projects within, the quads covered by the list.

- Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.
- Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.
- Birds are shown regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

Plants

Any plants on your list are ones that have actually been observed in the area covered by the list. Plants may exist in an area without ever having been detected there. You can find out what's in the surrounding quads through the California Native Plant Society's online Inventory of Rare and Endangered Plants.

Surveying

Some of the species on your list may not be affected by your project. A trained biologist and/or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We

Exhibit A-3.

recommend that your surveys include any proposed and candidate species on your list. See our Protocol and Recovery Permits pages.

For plant surveys, we recommend using the Guidelines for Conducting and Reporting Botanical Inventories. The results of your surveys should be published in any environmental documents prepared for your project.

Your Responsibilities Under the Endangered Species Act

All animals identified as listed above are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal.

> Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

- If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a formal consultation with the Service.

  During formal consultation, the Federal agency, the applicant and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a biological opinion by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.

- If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an incidental take permit. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project.

  Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that minimizes the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the plan in any environmental documents you file.

Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as critical habitat. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Boundary descriptions of the critical habitat may be found in the Federal Register. The information is also reprinted in the Code of Federal Regulations (50 CFR 17.95). See our Map Room page.

Candidate Species

We recommend that you address impacts to candidate species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning

Exhibit A-3.

process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

Species of Concern

The Sacramento Fish & Wildlife Office no longer maintains a list of species of concern. However, various other agencies and organizations maintain lists of at-risk species. These lists provide essential information for land management planning and conservation efforts. More info

Wetlands

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6520.

Updates

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be March 03, 2015.

Exhibit A-3.

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ATTACHMENT B

Routine Wetland Delineation Data Forms and
Wetland Delineation Map

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Tuolumne River Regional Park-Gateway City/County: Modesto/Stanislaus Sampling Date: 12/04/2014
Applicant/Owner: City of Modesto State: CA Sampling Point: 1
Investigator(s): S. Bennett/L. Kramer Section, Township, Range: Riverbank - 32, T3S, R7E
Landform (hillslope, terrace, etc.): River Local relief (concave, convex, none): concave Slope (%): _____
Subregion (LRR): C-17, Sacramento and SJ Valley Lat: 37.672651 Long: -120.99585 Datum: NAD83
Soil Map Unit Name: water NWI classification: R2UB
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
Are Vegetation No, Soil N, or Hydrology N significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
Are Vegetation N, Soil N, or Hydrology N naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes X No _____
Hydric Soil Present? NA-Water Yes _____ No _____
Wetland Hydrology Present? Yes X No _____
Is the Sampled Area within a Wetland? WOUS-TNW Yes _____ No X
Remarks: Tuolumne River - waters of the United States.

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: 10x10')			
1. Acer negundo	10	y	FACW
2. Salix laevigata	40	y	FACW
3.			
4.			
	50 = Total Cover		
Sapling/Shrub Stratum (Plot size: _____)			
1.			
2.			
3.			
4.			
5.			
	= Total Cover		
Herb Stratum (Plot size: 10ft²)			
1. Bromus diandrus	2	N	NL
2. Juncus balticus	2	N	FACW
3. Persicaria lapathifolia	1	N	FACW
4. Echinochloa crus-galli	4	y	OBL
5. Lolium perenne (?)	6	y	FAC
6.			
7.			
8.			
	20 = Total Cover		
Woody Vine Stratum (Plot size: _____)			
1.			
2.			
	= Total Cover		

% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 4 (A)
Total Number of Dominant Species Across All Strata: 4 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:
___ Dominance Test is >50%
___ Prevalence Index is ≤3.0[1]
___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)

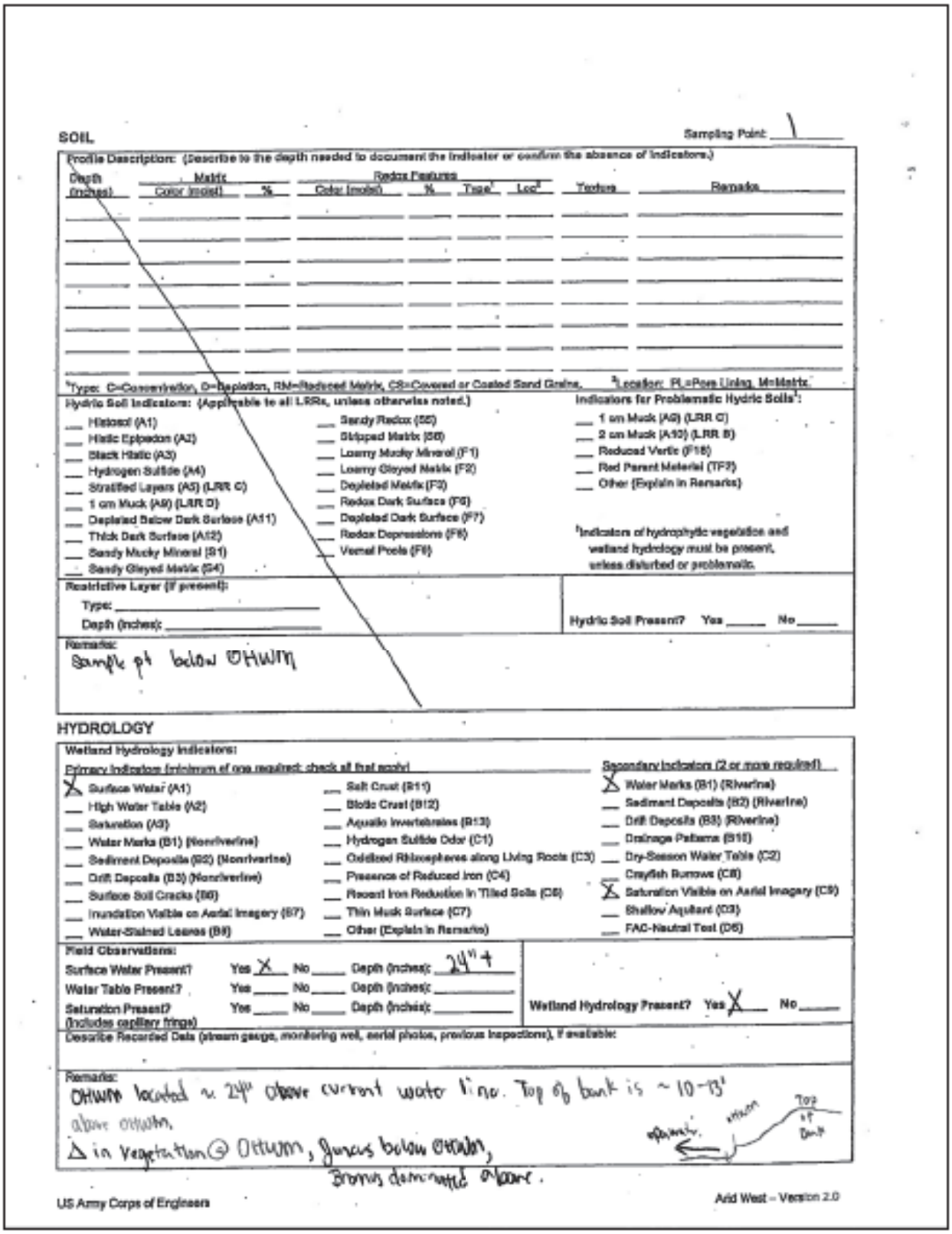
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No _____

Remarks: B. diandrus restricted to bank, both above & below Tuolumne River

US Army Corps of Engineers Arid West – Version 2.0

Exhibit B-1.



SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (LRR C)
- ___ 1 cm Muck (A9) (LRR D)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (LRR C)
- ___ 2 cm Muck (A10) (LRR B)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No _____

Remarks:

Sample pt below OHWM

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- X Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) (Nonriverine)
- ___ Sediment Deposits (B2) (Nonriverine)
- ___ Drift Deposits (B3) (Nonriverine)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- X Water Marks (B1) (Riverine)
- ___ Sediment Deposits (B2) (Riverine)
- ___ Drift Deposits (B3) (Riverine)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- X Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes X No ____ Depth (inches): 24"+

Water Table Present? Yes ____ No ____ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ____ No ____ Depth (inches): _____

Wetland Hydrology Present? Yes X No ____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

OHWM located ~ 24" above current water line. Top of bank is ~ 10-15' above OHWM.

Δ in Vegetation @ OHWM, Juncus below OHWM, Brassica dominate above.

US Army Corps of Engineers

Arid West – Version 2.0

Exhibit B-1.

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Tuolumne River Regional Park - Gateway City/County: Modesto / Stanislaus Sampling Date: 12/04/2014
Applicant/Owner: City of Modesto State: CA Sampling Point: 2
Investigator(s): S. Bennett / L. Kantor Section, Township, Range: Riverbank - 32, T3S, R9E
Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): _____
Subregion (LRR): C-17, Sacramento and SJ Valley Lat: 37.622661 Long: -120.995688 Datum: NAD83
Soil Map Unit Name: HbA - Hanford fine sandy loam NWI classification: NA - upland
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
Are Vegetation N, Soil N, or Hydrology N significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
Are Vegetation N, Soil N, or Hydrology N naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No X	Is the Sampled Area within a Wetland? Yes _____ No X
Hydric Soil Present?	Yes _____	No X	
Wetland Hydrology Present?	Yes _____	No X	

Remarks:
Terrace above Tuolumne River - riparian woodland habitat
Photo 105

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: 10' x 10')			
1. Juglans regia	15	Y	NL
2. Acer negundo	2	N	FACW
3.			
4.			
	17	= Total Cover	
Sapling/Shrub Stratum (Plot size: 10x10')			
1. Juglans regia	2	N	NL
2.			
3.			
4.			
5.			
	2	= Total Cover	
Herb Stratum (Plot size: 10x10')			
1. Bromus diandrus	20	Y	NL
2. Vicia villosa	10	Y	NL
3. Rumex crispus	~1	N	FAC
4. Ambrosia psilostachya	5	N	FACU
5. Melilotus polonicus	5	N	FACU
6.			
7.			
8.			
	40	= Total Cover	
Woody Vine Stratum (Plot size: _____)			
1.			
2.			
	_____	= Total Cover	

% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)
Total Number of Dominant Species Across All Strata: 3 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:
___ Dominance Test is >50%
___ Prevalence Index is ≤3.0[1]
___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)

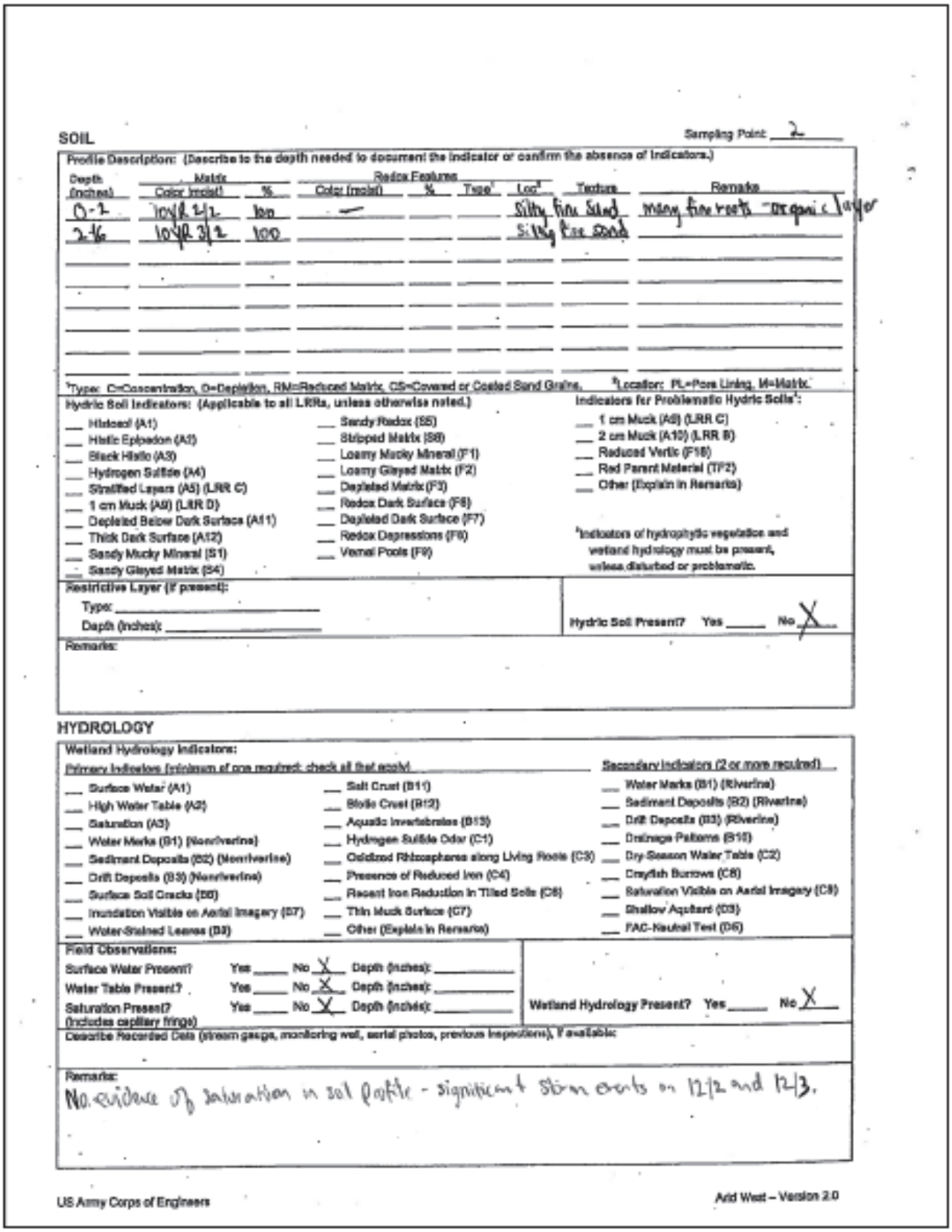
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes _____ No X

Remarks:
Riparian canopy adjacent (contains A. negundo, but not prevalent in sample plot.
Several J. regia trees tagged - part of historical orchard.

US Army Corps of Engineers Arid West – Version 2.0

Exhibit B-1.



SOIL

Sampling Point: 2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-2	10YR 2/2	100	—				Silty fine Sand	Many fine roots - Organic layer
2-16	10YR 3/2	100					Silty fine Sand	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (LRR C)
- ___ 1 cm Muck (A9) (LRR D)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (LRR C)
- ___ 2 cm Muck (A10) (LRR B)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) (Nonriverine)
- ___ Sediment Deposits (B2) (Nonriverine)
- ___ Drift Deposits (B3) (Nonriverine)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (Riverine)
- ___ Sediment Deposits (B2) (Riverine)
- ___ Drift Deposits (B3) (Riverine)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ____ No X Depth (inches): _____

Water Table Present? Yes ____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ____ No X Depth (inches): _____

Wetland Hydrology Present? Yes ____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

No evidence of saturation in soil profile - significant storm events on 12/2 and 12/3.

US Army Corps of Engineers

Arid West – Version 2.0

Exhibit B-1.

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Tuolumne River Regional Park-Gateway City/County: Modesto/Stanislaus Sampling Date: 12/04/2014

Applicant/Owner: City of Modesto State: CA Sampling Point: 3

Investigator(s): S. Bennett/L. Kantor Section, Township, Range: Riverbank - 32, T3S, R9E

Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 0-2

Subregion (LRR): C-17, Sacramento and SJ Valley Lat: 37.62694 Long: -120.99589 Datum: NAD83

Soil Map Unit Name: HcA - Hanford very fine sandy loam NWI classification: NA - upland

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)

Are Vegetation N , Soil N , or Hydrology N significantly disturbed? Are "Normal Circumstances" present? Yes ____ No ____

Are Vegetation N , Soil N , or Hydrology N naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____ No X	Is the Sampled Area within a Wetland? Yes ____ No X
Hydric Soil Present?	Yes ____ No ____	
Wetland Hydrology Present?	Yes ____ No X	

Remarks: Annual grassland / disturbed ruderal habitat. Area mowed 2x yearly by City to maintain against fire. p 104-105

VEGETATION – Use scientific names of plants.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
= Total Cover			
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
= Total Cover			
Herb Stratum (Plot size: 10x10')			
1. Amsinckia menziesii	75	Y	NL
2. Bromus hordeaceus	5	N	NL
3. Sorghum halepense	10	N	FACU
4. Malva parviflora	7	N	NL
5.			
6.			
7.			
8.			
= Total Cover	95		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
= Total Cover			

% Bare Ground in Herb Stratum <3-5% % Cover of Biotic Crust Ø

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: Ø (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:
OBL species	____	x 1 = ____
FACW species	____	x 2 = ____
FAC species	____	x 3 = ____
FACU species	____	x 4 = ____
UPL species	____	x 5 = ____
Column Totals:	____ (A)	____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:

- ___ Dominance Test is >50%
- ___ Prevalence Index is ≤3.0[1]
- ___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

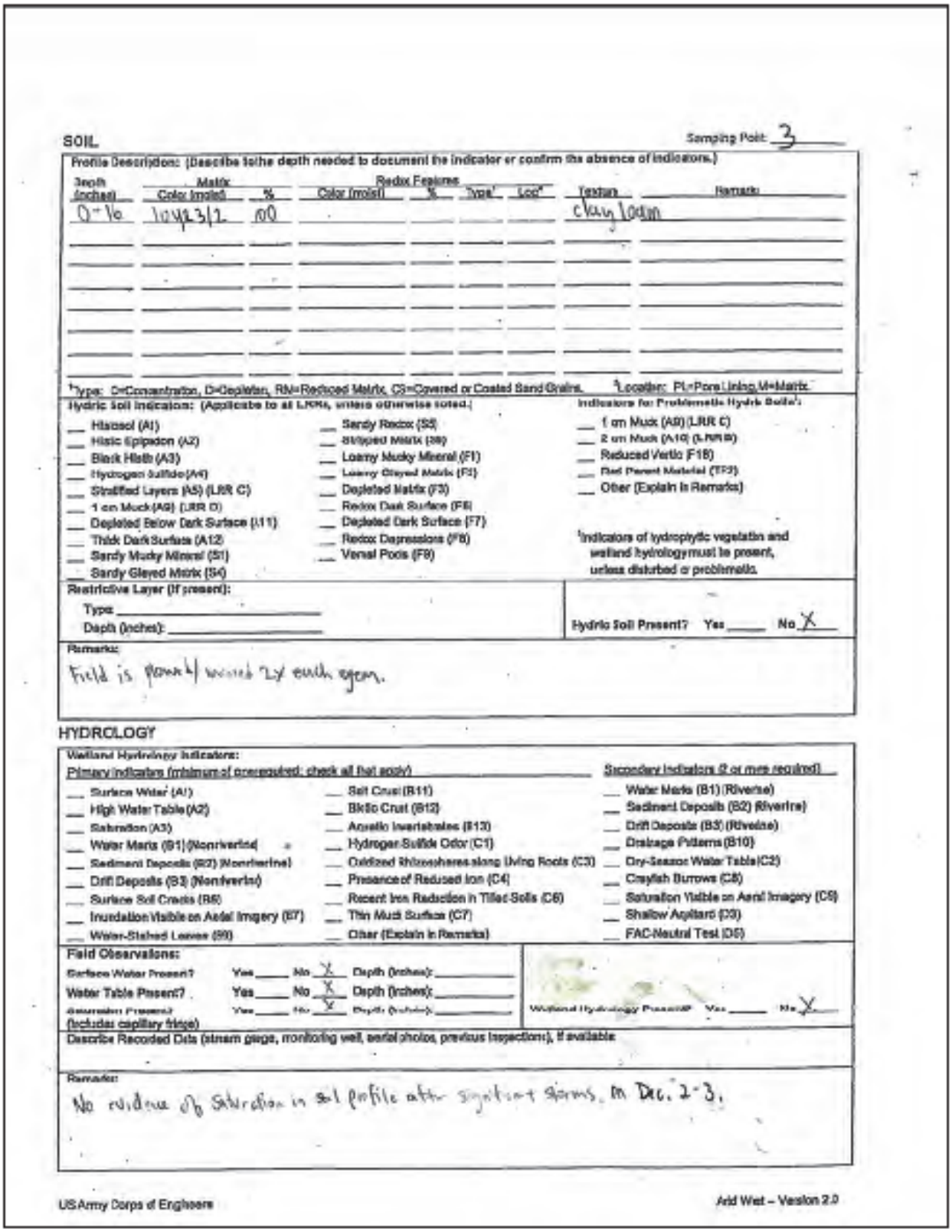
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

US Army Corps of Engineers Arid West – Version 2.0

Exhibit B-1.



SOIL

Sampling Point: 3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type¹	Loc²	Texture	Remarks
0-10	10YR 3/2	100					Clay Loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (LRR C)
- ___ 1 cm Muck (A9) (LRR D)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)
- ___ 1 cm Muck (A9) (LRR C)
- ___ 2 cm Muck (A10) (LRR B)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ____ No X

Remarks:

Field is flooded with 2" each year.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) (Nonriverine)
- ___ Sediment Deposits (B2) (Nonriverine)
- ___ Drift Deposits (B3) (Nonriverine)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (Riverine)
- ___ Sediment Deposits (B2) (Riverine)
- ___ Drift Deposits (B3) (Riverine)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ____ No X Depth (inches): _____

Water Table Present? Yes ____ No X Depth (inches): _____

Saturation Present? Yes ____ No X Depth (inches): _____
(includes capillary fringe)

Wetland Hydrology Present? Yes ____ No X

Describe Recorded Data (stream gage, monitoring well, aerial photos, previous inspections), if available:

Remarks:

No evidence of saturation in soil profile after significant storms, in Dec. 2-3.

US Army Corps of Engineers

Arid West – Version 2.0

Exhibit B-1.

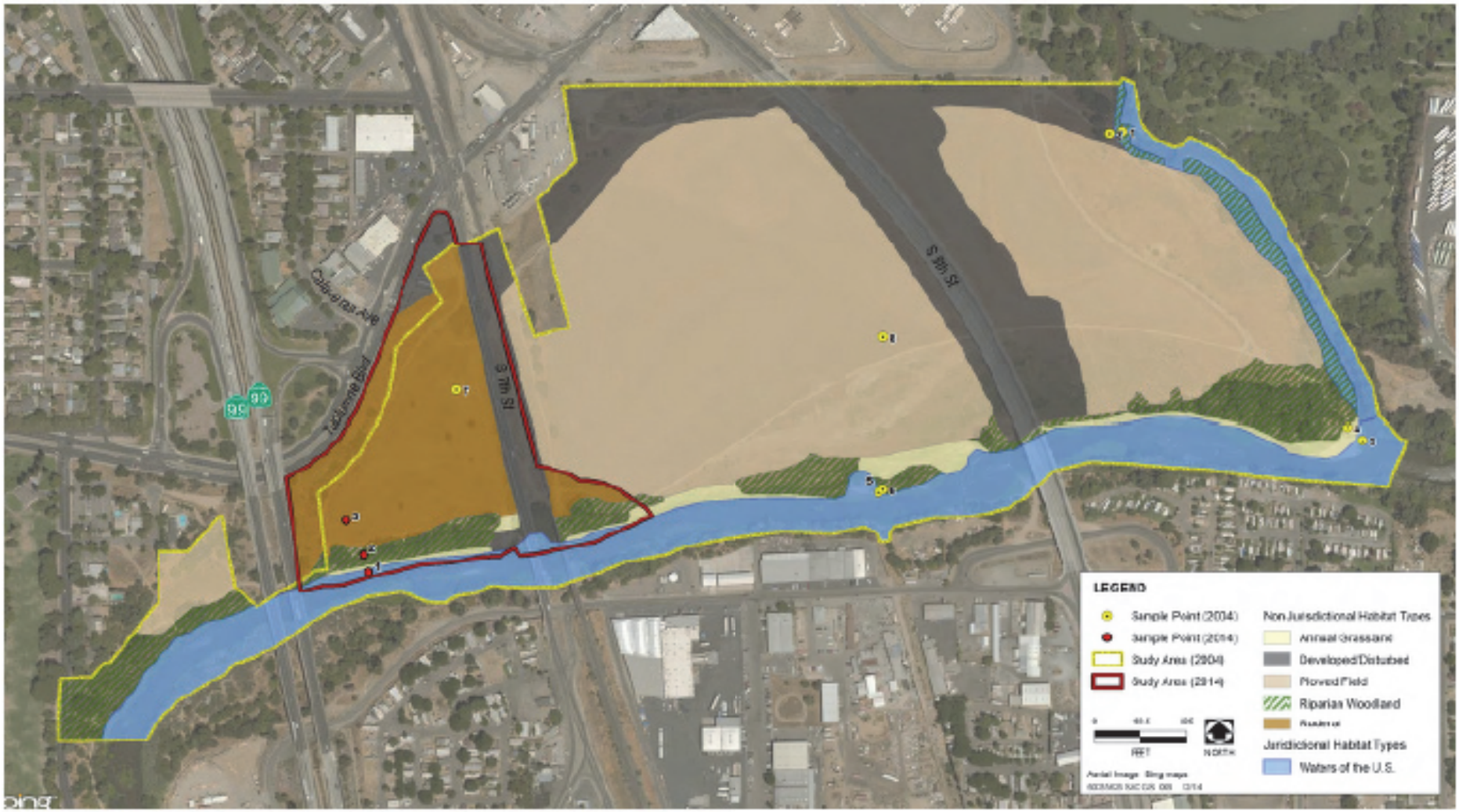

Claus Road Ave
Tuolumne Blvd
S 9th St
S 10th St
99
LEGEND
Sample Point (2004)
Sample Point (2014)
Study Area (2004)
Study Area (2014)
Non Jurisdictional Habitat Types
Annual Grassland
Developed/Disturbed
Plowed Field
Riparian Woodland
Jurisdictional Habitat Types
Waters of the U.S.
FEET
NORTH

Exhibit B2.

ATTACHMENT C

Representative Photographs

Representative photograph of ruderal habitat within the TRRP Gateway Parcel, Phase 2, study area. December 2014.

Representative photograph of riparian habitat along the Tuolumne River within the TRRP Gateway Parcel, Phase 2, study area. December 2014.

Exhibit C-1. **TRRP Gateway Parcel**

The Tuolumne River is the southern boundary of the TRRP Gateway Parcel, Phase 2, study area. December 2014.

Exhibit C-1. **TRRP Gateway Parcel**

APPENDIX B

Cultural Resource SHPO Consultation

CITY OF MODESTO CALIFORNIA

Parks, Recreation and Neighborhoods Department
1010 Tenth Street, Suite 4400
Modesto, CA 95354

March 28, 2014

Jeff W. Brooke
Associate State Archeologist
Office of Historic Preservation (OHP)
Review and Compliance Unit (RACU)
1725 23rd Street, Suite 100
Sacramento, CA 95816

Re: Tuolumne River Regional Park Gateway Phase 2–LWCF Fund Request (LW-50-019)

Dear Mr. Brooke:

This letter includes a summary of compliance with Section 106 requirements for the above mentioned project.

A. Professional Qualifications

Loren Holt, Parks Planning and Development Manager for the City of Modesto - has been involved in park planning for the past 13 years and has managed dozens of new construction projects totaling in the tens of millions in his time as a park planner. He has been in charge of all the environmental review for his projects throughout his time as a park planner which has included CEQA and NEPA documentation for many projects along the Tuolumne River.

Nathan Houx, Parks Project Coordinator for the City of Modesto – has been involved in park planning for the past 13 years and has managed dozens of new construction projects totaling in the tens of millions in his time as a park planner. He has been in charge of all the environmental review for his project throughout his time as a park planner which has included CEQA and NEPA documentation as needed.

B. Native American Consultation

The letters attached in Exhibit C were sent in an attempt to obtain a consultation from specific Native American Tribes or Individuals for the project. The first letter on March 4, 2014 was sent to the contact that we have on record, but at the same time the City of Modesto did contact the Native American Heritage Commission to obtain a list of interested parties. We received the list on March 17, 2014 and at that time sent an additional letter to all the parties on the NAHC list on March 17, 2014. In addition, on March 26, 2014, Nathan Houx contacted all the parties listed on the NAHC list by phone and left a message for all of them.

Only one, Les James, contacted us and he did not have any comments on this project. As of the date of this letter no comments have been obtained from any of the parties contacted.

In 2001 a Master Environmental Impact Report (MEIR) was completed (by EDAW, Inc) for the whole of the Tuolumne River Regional Park (TRRP) which includes development of the entire 500+ acres of the TRRP which stretches along a seven-mile section of the Tuolumne River and is generally bounded by Mitchell Road on the east and Carpenter Road on the west. Please find attached the "Disturbance of Archeological or Historical Sites" section of the MEIR in Exhibit E to this letter for your reference.

The possible history of the site is discussed throughout the MEIR Section attached. In addition, on pages IV-E-13 to IV-E-15 the "potential discovery of unknown resources is addressed and Mitigation Measures are adopted that will minimize possible significant effects on unknown cultural resources or human remains. These mitigation measures will be included in the project construction documentation which would reduce any impacts to unknown cultural resources or human remains to a less-than-significant level.

In 2005 a Precise Plan for the Gateway Parcel Portion of the TRRP (of which this particular phase is a part of) was completed. Concurrently, an Initial Study was completed for the Precise Plan that resulted in a Finding of Conformance with the MEIR. Please find attached the "Cultural Resources" section of the Initial Study in Exhibit F to the letter for your reference. The two mitigation measures to unknown cultural resources or human remains have been reiterated in this environmental documentation also as you can see on page 37-39.

C. Project Description

The project is located in Modesto, CA and is in the triangle bounded by the Tuolumne River on the south, State Route 99 on the west, Tuolumne Boulevard on the North and the train tracks adjacent to 7th street on the east (See Parcel Map in Exhibit A). An approximate street address would be 120 Tuolumne Boulevard, Modesto, CA 95354. We have also included a 7.5 minute series map of the Riverbank Quadrangle (Exhibit B) and have identified the location of the property in question on said map. The project acreage is approximately 13 acres.

The project will entail grading operations, noxious/non-native plant removal and native habitat restoration plantings with temporary irrigation for approximately 13 acres of land. In addition, the project will include construction of approximately 4,000 LF of decomposed granite and/or gravel or permeable asphalt trails, a prefabricated pedestrian/light vehicular bridge (approx. 110' x 18') and a fishing deck with steel structure to support wood decking (approx. 300' x 18'). The total project cost for this phase is estimated to be around $3 million.

D. Area of Potential Effect (APE)

The entire project area including the whole 7th Street bridge has been determined to be the Area of Potential Effect (See Exhibit D for map). The entire project area will be affected by grading operations and improvements as described above. The scope of the work does not entail any operations that will create significant ground shaking. The area to the western side

of the project area will have grading that will cut approximately 5-9 feet. The project will only be removing noxious and non-native trees and shrubs and will not negatively impact the view from any adjacent locations so the surrounding areas have not been included in the APE. The access point for the project will likely be near the corner of Tuolumne Blvd. and 7th Street and staging will likely take place within the project area so both anticipated access and staging are included in the APE. The 7th Street Bridge is a historic landmark and therefore is included in the APE.

E. Identification Efforts

As mentioned on Page IV-E-3 & IV-E-4 of the MEIR (Exhibit E) the Central California Information Center (CCIC) previously provided a record search on the entire TRRP Master Plan area in 1999. In addition, as mentioned on Page IV-E-4 a reconnaissance field survey and cultural resources analysis was completed by William Self Associates on the Gateway Parcel (of which this particular phase is a part of) in November 2000. The reconnaissance field survey included a pedestrian survey of a maximum 30 meter or less interval, with an intensive search in sensitive areas known to contain sites and a cursory review in developed/residential areas, cultivated fields, farmland and densely overgrown/poison oak covered terrain. More detail is provided in the MEIR. The result of the reconnaissance field survey was that no cultural resources or human remains were found on the site.

Also, in late 2006 the City requested another records search from the CCIC for this project and you can find attached, as Exhibit G, the response to that request. Finally, on February 27, 2014 the City requested another records search from the CCIC since the last search was more than 5 years ago. The CCIC responded that "since there has already been a records search at this information center and a cultural resources field assessment of the project area, your office would need to contact Susan Stratton, Project Review, California Office of Historic Preservation…in reference to further Section 106 review or concurrence." The City contacted Susan and she stated that as long as the CCIC didn't indicate a new search was necessary then we just needed to justify that there have not been significant changes to the site.

There have been no significant flood events, landform changes or ground disturbances in the project area since 2000 and through periodic site inspections the City has determined that the past cultural resources study is adequate to determine current site condition because the condition of the project area has not changed since 2000. In addition, there has been only one change adjacent to the site since the CCIC records search in 2006 in that the Train Trestle on the eastern side of the 7th Street Bridge was replaced in 2008 and therefore would no longer need additional study as it has no historic value.

F. Determination of Eligibility (DOE)

The only current improvement in the APE that has been determined eligible for the NRHP is the 7th Street Bridge (Lion Bridge) which is 98 years old and does have historical significance (See page IV-E-5 and IV-E-13 of Exhibit E). According to the Caltrans Bridge Inventory, the 7th Street Bridge (38C-23) is eligible for inclusion on the National Register of Historic Places. It was also designated as a Modesto Landmark Preservation Site in 1992. Based on the discussion in the MEIR as outlined above "there would be an adverse effect if

the [7th Street] Bridge was to be removed or its surrounding environment significantly altered, [but] because the TRRP Master Plan does not proposed to remove or alter the 7th Street Bridge, there would be no impact to this historic resource." Even though the 7th Street Bridge is eligible for the NRHP the project construction will have minimal grading and construction work adjacent to and under the bridge. Therefore the City has determined that any minor potential effects to the 7th Street Bridge will not be adverse.

My contact information is as follows:

via mail
Nathan Houx, Parks Project Coordinator
Parks, Recreation and Neighborhoods Department
1010 Tenth Street, Suite 4400
P.O. Box 642
Modesto, CA 95353

Or

via email to nhoux@modestogov.com

If you have any questions, please contact me at (209) 571-5526.

Sincerely,

Nathan Houx
Parks Project Coordinator

Attachments:

1. Exhibit A – Parcel Map
2. Exhibit B – 7.5 Minute Series Map
3. Exhibit C – Native American Consultation Letters
4. Exhibit D – Area of Potential Effect (APE) Map
5. Exhibit E – Archeological/Historical Section of MEIR
6. Exhibit F – Cultural Resources Section of Initial Study for Precise Plan Gateway Area
7. Exhibit G – 2006 CCIC Records Search Response

1. **Parcel Map for Information Center Request**

EXHIBIT A

EXHIBIT B

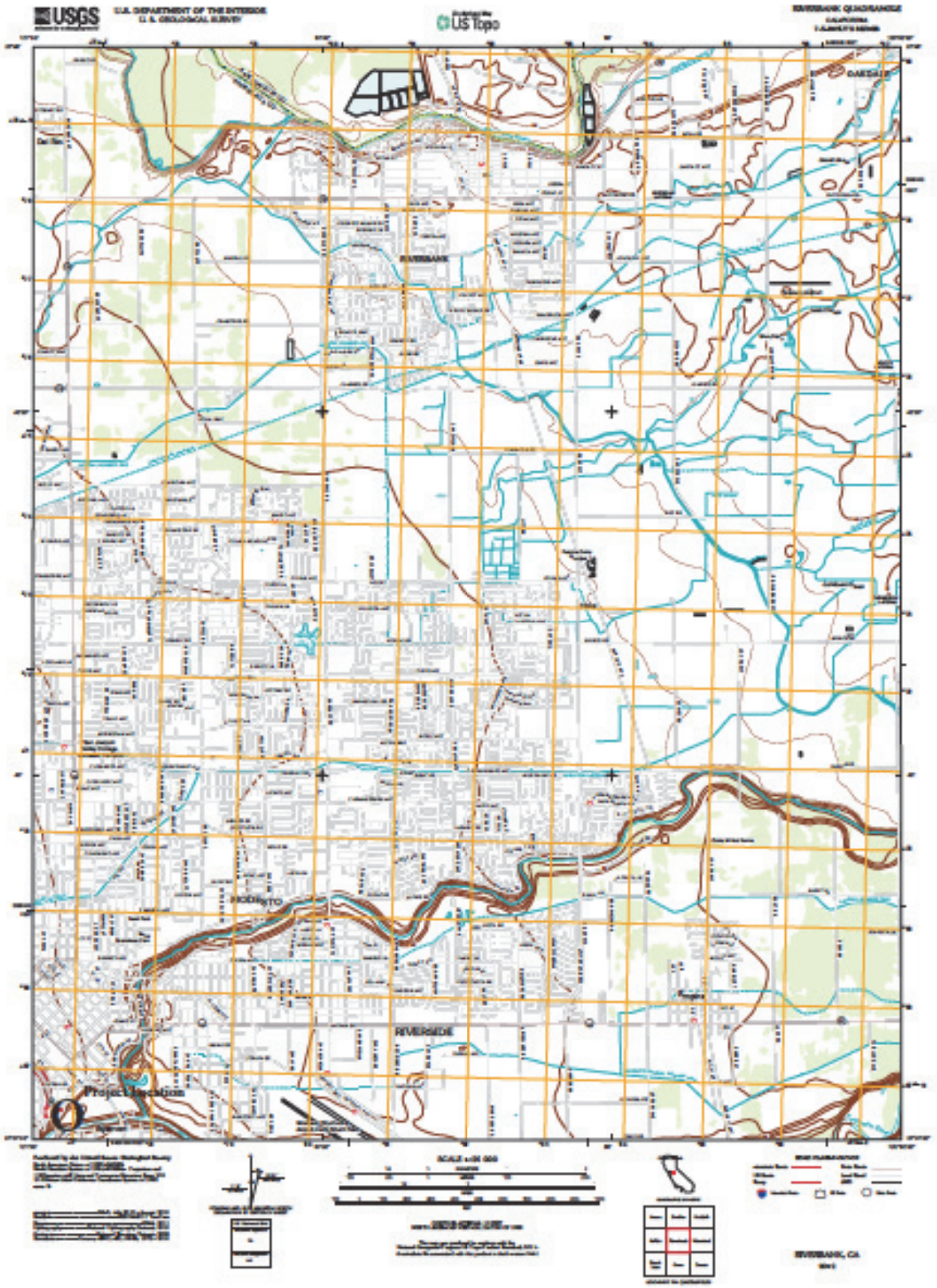

USGS
U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY
US Topo
RIVERSIDE QUADRANGLE
CALIFORNIA
7.5-MINUTE SERIES
DARDANELLE
RIVERSIDE
RIVERSIDE
Project Location
SCALE 1:24 000
RIVERSIDE, CA

EXHIBIT C

MODESTO
CALIFORNIA

PARKS,
RECREATION, &
NEIGHBORHOODS
DEPARTMENT

1010 Tenth Street
Suite 4400
PO Box 642
Modesto, CA. 95353
209/577-5344
209/544-3982 fax

March 4, 2014

Reba Fuller
Tuolumne Band of Me-Wuk
P. O. Box 699
Tuolumne, California 95379

Re: 1200 Tioga Drive, Modesto, CA 95350

Dear Ms. Fuller:

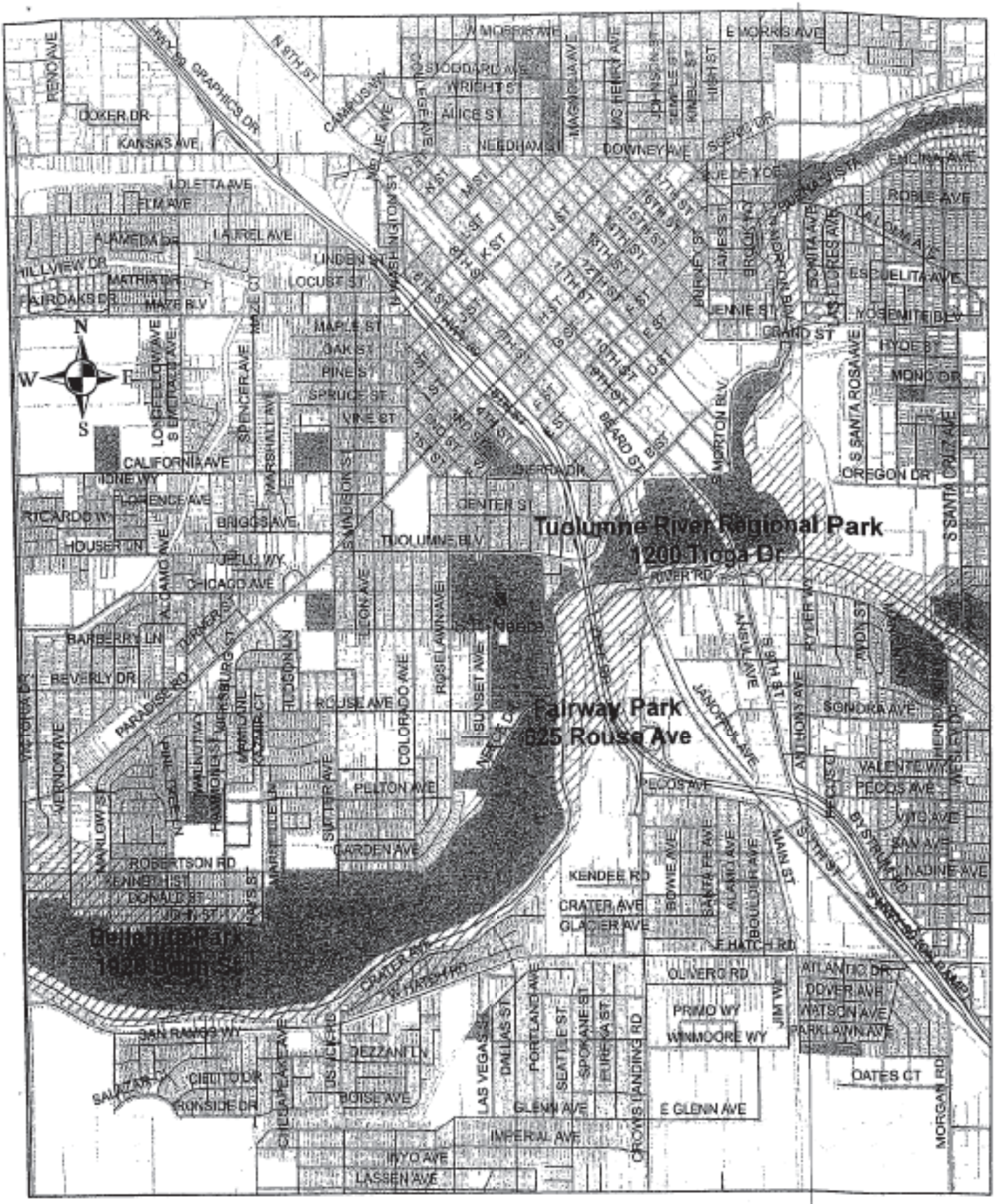
This letter has been prepared to assess the potential for sites of Native American historical significance at or near the site described below and in the attached information. This information is being requested as part of the cultural inventory process we're conducting, per NEPA requirements.

The project is to apply for a grant to beautify Tuolumne River Regional Park.

If you have any information or concerns regarding the impact to known or suspected sites of Native American significance, please feel free to contact me at the above address. Thank you in advance for your consideration in this matter.

Sincerely,

Marco Sepulveda
Administrative Analyst II
City of Modesto
Parks, Recreation & Neighborhoods
(209) 577-5275
msepulveda@modestogov.com



601 Neece Drive
Modesto, CA 95351

City of Modesto Flood Plain Map
Source -FEMA Map community -Panel # 060387
Panels #340, 345, 535, 555 Revised 9/26/08

CITY OF
MODESTO
CALIFORNIA

Parks, Recreation and Neighborhoods Department
1010 Tenth Street, Suite 4400
Modesto, CA 95354

March 12, 2014

Reba Fuller
Tuolumne Band of Me-Wuk
P.O. Box 699
Tuolumne, CA 95379

Re: Tuolumne River Regional Park Gateway Parcel Phase 2 – LWCF Grant Request

Dear Ms. Fuller:

This letter has been prepared to assess the potential for sites of Native American historical significance at or near the site described below and shown in the attached Exhibit A. This information is being requested as part of the cultural inventory process we are conducting, per Section 106 Requirements.

The project is located adjacent to the Tuolumne River near the intersection of Tuolumne Blvd and 7th Street in Modesto, CA. The project will entail grading operations, noxious/non-native plant removal and native plant habitat restoration plantings with temporary irrigation for approximately 13 acres of land. In addition, the project will include construction of approximately 4,000 LF of trails including a pedestrian bridge and fishing deck.

If you have any information or concerns regarding the impact this project may have on known or suspected sites of Native American significance, please feel free to contact me at the below address or on my office phone at (209)-571-5526. Thank you in advance for your consideration in this matter.

Nathan Houx, Parks Project Coordinator
Parks, Recreation and Neighborhoods Department
P.O. Box 642
Modesto, CA 95353
nhoux@modestogov.com

Sincerely,

Nathan Houx
Parks Project Coordinator

Attachment: Exhibit A – Parcel Map

STATE OF CALIFORNIA — Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., ROOM 100
West SACRAMENTO, CA 95691
(916) 373-3710
Fax (916) 373-5471

March 20, 2014

Nathan Houx
City of Modesto-Parks Planning and Development
P.O. Box 642
Modesto, CA

Sent by Fax: 209 579-5077

Number of Pages: 2

Re: Pamela Monterosso Trailhead Shade Structure and Tuolumne River Regional Park (TRRP) Gateway Parcel-Phase 2, Stanislaus County.

Dear Mr. Houx,

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 373-3712.

Sincerely,

Katy Sanchez

Katy Sanchez
Associate Government Program Analyst

Native American Contacts
Stanislaus County
March 20, 2014

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589
Porterville , CA 93258
chairman@tulerivertribe-nsn.
(559) 781-4271
(559) 781-4610 FAX
Yokuts

Tule River Indian Tribe
Kerri Vera, Environmental Department
P.O. Box 589
Porterville , CA 93258
(559) 783-8892
Yokuts

Katherine Erolinda Perez
PO Box 717
Linden , CA 95236
canutes@verizon.net
(209) 887-3415
Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

Tule River Indian Tribe
Joey Garfield, Tribal Archeological
P.O. Box 589
Porterville , CA 93258
(559) 783-8892
Yokuts

North Valley Yokuts Tribe
Katherine Erolinda Perez
PO Box 717
Linden , CA 95236
(209) 887-3415
canutes@verizon.net
Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

Southern Sierra Miwuk Nation
Anthony Brochini, Chairperson
P.O. Box 1200
Mariposa , CA 95338
209-379-1008
Miwok
Paulte
Northern Valley Yokut

Southern Sierra Miwuk Nation
Les James, Spiritual Leader
PO Box 1200
Mariposa , CA 95338
209-966-3690
Miwok
Paulte
Northern Valley Yokut

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Pamela Monterosso Trailhead Shade Structure and the Tuolumne River Regional Park (TRRP) Gateway Parcel, Phase 2, Stanislaus County.

CITY OF MODESTO CALIFORNIA

Parks, Recreation and Neighborhoods Department
1010 Tenth Street, Suite 4400
Modesto, CA 95354

March 17, 2014

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589
Porterville, CA 93258

Re: Tuolumne River Regional Park Gateway Parcel Phase 2 – LWCF Grant Request

Dear Mr. Peyron:

This letter has been prepared to assess the potential for sites of Native American historical significance at or near the site described below and shown in the attached Exhibit A. This information is being requested as part of the cultural inventory process we are conducting, per Section 106 Requirements.

The project is located adjacent to the Tuolumne River near the intersection of Tuolumne Blvd and 7th Street in Modesto, CA. The project will entail grading operations, noxious/non-native plant removal and native plant habitat restoration plantings with temporary irrigation for approximately 13 acres of land. In addition, the project will include construction of approximately 4,000 LF of trails including a pedestrian bridge and fishing deck.

If you have any information or concerns regarding the impact this project may have on known or suspected sites of Native American significance, please feel free to contact me at the below address or on my office phone at (209)-571-5526. Thank you in advance for your consideration in this matter.

Nathan Houx, Parks Project Coordinator
Parks, Recreation and Neighborhoods Department
P.O. Box 642
Modesto, CA 95353
nhoux@modestogov.com

Sincerely,

Nathan Houx
Parks Project Coordinator

Attachment: Exhibit A – Parcel Map

CITY OF
MODESTO
CALIFORNIA

Parks, Recreation and Neighborhoods Department
1010 Tenth Street, Suite 4400
Modesto, CA 95354

March 17, 2014

Tule River Indian Tribe
Joey Garfield, Tribal Archeological
P.O. Box 589
Porterville, CA 93258

Re: Tuolumne River Regional Park Gateway Parcel Phase 2 – LWCF Grant Request

Dear Mr. Garfield:

This letter has been prepared to assess the potential for sites of Native American historical significance at or near the site described below and shown in the attached Exhibit A. This information is being requested as part of the cultural inventory process we are conducting, per Section 106 Requirements.

The project is located adjacent to the Tuolumne River near the intersection of Tuolumne Blvd and 7th Street in Modesto, CA. The project will entail grading operations, noxious/non-native plant removal and native plant habitat restoration plantings with temporary irrigation for approximately 13 acres of land. In addition, the project will include construction of approximately 4,000 LF of trails including a pedestrian bridge and fishing deck.

If you have any information or concerns regarding the impact this project may have on known or suspected sites of Native American significance, please feel free to contact me at the below address or on my office phone at (209)-571-5526. Thank you in advance for your consideration in this matter.

Nathan Houx, Parks Project Coordinator
Parks, Recreation and Neighborhoods Department
P.O. Box 642
Modesto, CA 95353
nhoux@modestogov.com

Sincerely,

Nathan Houx
Parks Project Coordinator

Attachment: Exhibit A – Parcel Map

CITY OF
MODESTO
CALIFORNIA

Parks, Recreation and Neighborhoods Department
1010 Tenth Street, Suite 4400
Modesto, CA 95354

March 17, 2014

Tule River Indian Tribe
Kerri Vera, Environmental Department
P.O. Box 589
Porterville, CA 93258

Re: Tuolumne River Regional Park Gateway Parcel Phase 2 – LWCF Grant Request

Dear Kerri:

This letter has been prepared to assess the potential for sites of Native American historical significance at or near the site described below and shown in the attached Exhibit A. This information is being requested as part of the cultural inventory process we are conducting, per Section 106 Requirements.

The project is located adjacent to the Tuolumne River near the intersection of Tuolumne Blvd and 7th Street in Modesto, CA. The project will entail grading operations, noxious/non-native plant removal and native plant habitat restoration plantings with temporary irrigation for approximately 13 acres of land. In addition, the project will include construction of approximately 4,000 LF of trails including a pedestrian bridge and fishing deck.

If you have any information or concerns regarding the impact this project may have on known or suspected sites of Native American significance, please feel free to contact me at the below address or on my office phone at (209)-571-5526. Thank you in advance for your consideration in this matter.

Nathan Houx, Parks Project Coordinator
Parks, Recreation and Neighborhoods Department
P.O. Box 642
Modesto, CA 95353
nhoux@modestogov.com

Sincerely,

Nathan Houx
Parks Project Coordinator

Attachment: Exhibit A – Parcel Map

CITY OF MODESTO CALIFORNIA

Parks, Recreation and Neighborhoods Department
1010 Tenth Street, Suite 4400
Modesto, CA 95354

March 17, 2014

Katherine Erolinda Perez
P.O. Box 717
Linden, CA 95236

Re: Tuolumne River Regional Park Gateway Parcel Phase 2 – LWCF Grant Request

Dear Ms. Perez:

This letter has been prepared to assess the potential for sites of Native American historical significance at or near the site described below and shown in the attached Exhibit A. This information is being requested as part of the cultural inventory process we are conducting, per Section 106 Requirements.

The project is located adjacent to the Tuolumne River near the intersection of Tuolumne Blvd and 7th Street in Modesto, CA. The project will entail grading operations, noxious/non-native plant removal and native plant habitat restoration plantings with temporary irrigation for approximately 13 acres of land. In addition, the project will include construction of approximately 4,000 LF of trails including a pedestrian bridge and fishing deck.

If you have any information or concerns regarding the impact this project may have on known or suspected sites of Native American significance, please feel free to contact me at the below address or on my office phone at (209)-571-5526. Thank you in advance for your consideration in this matter.

Nathan Houx, Parks Project Coordinator
Parks, Recreation and Neighborhoods Department
P.O. Box 642
Modesto, CA 95353
nhoux@modestogov.com

Sincerely,

Nathan Houx
Parks Project Coordinator

Attachment: Exhibit A – Parcel Map

CITY OF MODESTO CALIFORNIA

Parks, Recreation and Neighborhoods Department
1010 Tenth Street, Suite 4400
Modesto, CA 95354

March 17, 2014

Southern Sierra Miwuk Nation
Anthony Brochini, Chairperson
P.O. Box 1200
Mariposa, CA 95338

Re: Tuolumne River Regional Park Gateway Parcel Phase 2 – LWCF Grant Request

Dear Mr. Brochini:

This letter has been prepared to assess the potential for sites of Native American historical significance at or near the site described below and shown in the attached Exhibit A. This information is being requested as part of the cultural inventory process we are conducting, per Section 106 Requirements.

The project is located adjacent to the Tuolumne River near the intersection of Tuolumne Blvd and 7th Street in Modesto, CA. The project will entail grading operations, noxious/non-native plant removal and native plant habitat restoration plantings with temporary irrigation for approximately 13 acres of land. In addition, the project will include construction of approximately 4,000 LF of trails including a pedestrian bridge and fishing deck.

If you have any information or concerns regarding the impact this project may have on known or suspected sites of Native American significance, please feel free to contact me at the below address or on my office phone at (209)-571-5526. Thank you in advance for your consideration in this matter.

Nathan Houx, Parks Project Coordinator
Parks, Recreation and Neighborhoods Department
P.O. Box 642
Modesto, CA 95353
nhoux@modestogov.com

Sincerely,

Nathan Houx
Parks Project Coordinator

Attachment: Exhibit A – Parcel Map

CITY OF
MODESTO
CALIFORNIA

Parks, Recreation and Neighborhoods Department
1010 Tenth Street, Suite 4400
Modesto, CA 95354

March 17, 2014

Southern Sierra Miwuk Nation
Les James, Spiritual Leader
P.O. Box 1200
Mariposa, CA 95338

Re: Tuolumne River Regional Park Gateway Parcel Phase 2 – LWCF Grant Request

Dear Mr. James:

This letter has been prepared to assess the potential for sites of Native American historical significance at or near the site described below and shown in the attached Exhibit A. This information is being requested as part of the cultural inventory process we are conducting, per Section 106 Requirements.

The project is located adjacent to the Tuolumne River near the intersection of Tuolumne Blvd and 7th Street in Modesto, CA. The project will entail grading operations, noxious/non-native plant removal and native plant habitat restoration plantings with temporary irrigation for approximately 13 acres of land. In addition, the project will include construction of approximately 4,000 LF of trails including a pedestrian bridge and fishing deck.

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Nathan Houx, Parks Project Coordinator
Parks, Recreation and Neighborhoods Department
P.O. Box 642
Modesto, CA 95353
nhoux@modestogov.com

Sincerely,

Nathan Houx
Parks Project Coordinator

Attachment: Exhibit A – Parcel Map

1. Parcel Map for Information Center Request

EXHIBIT A

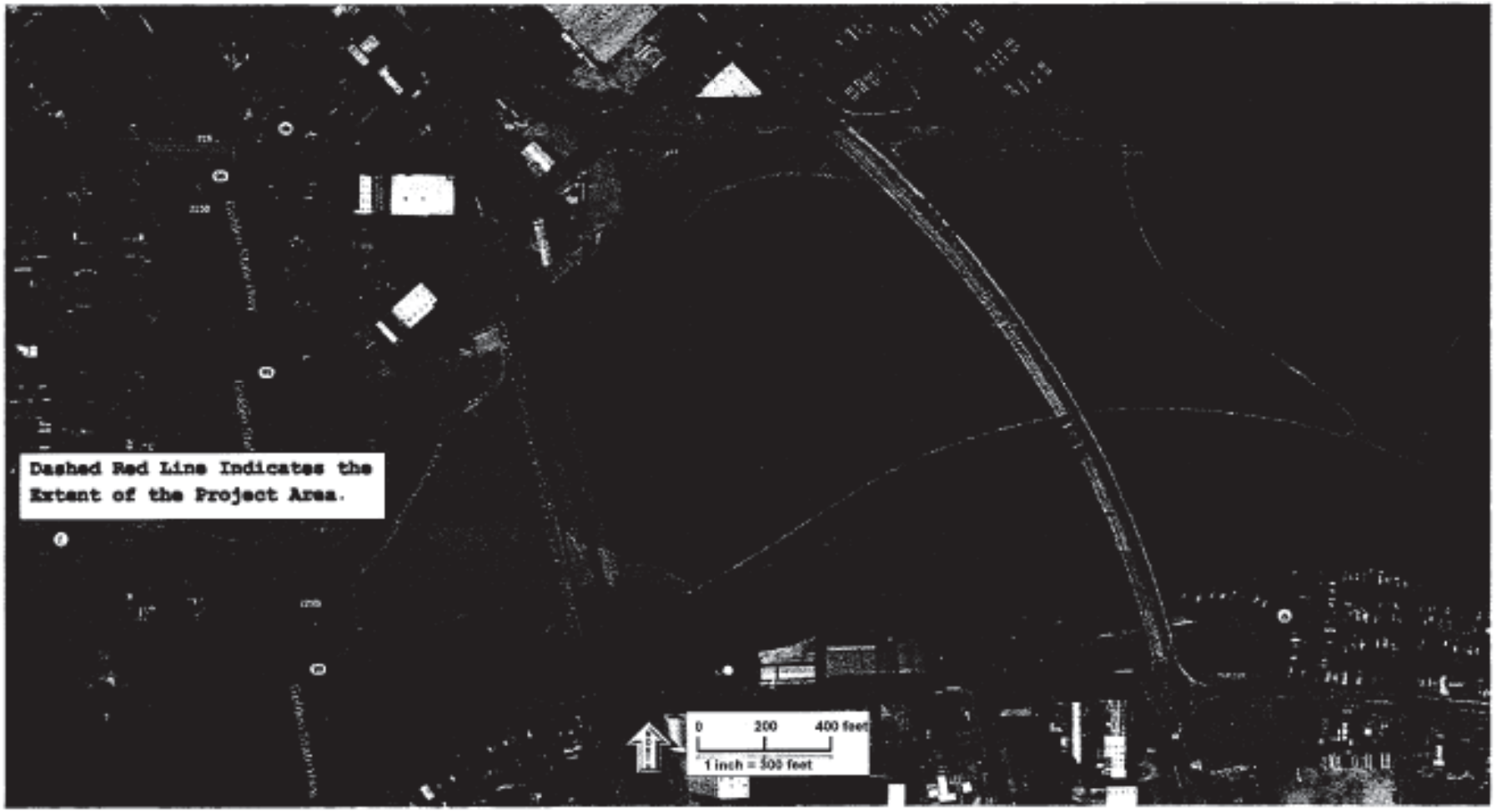
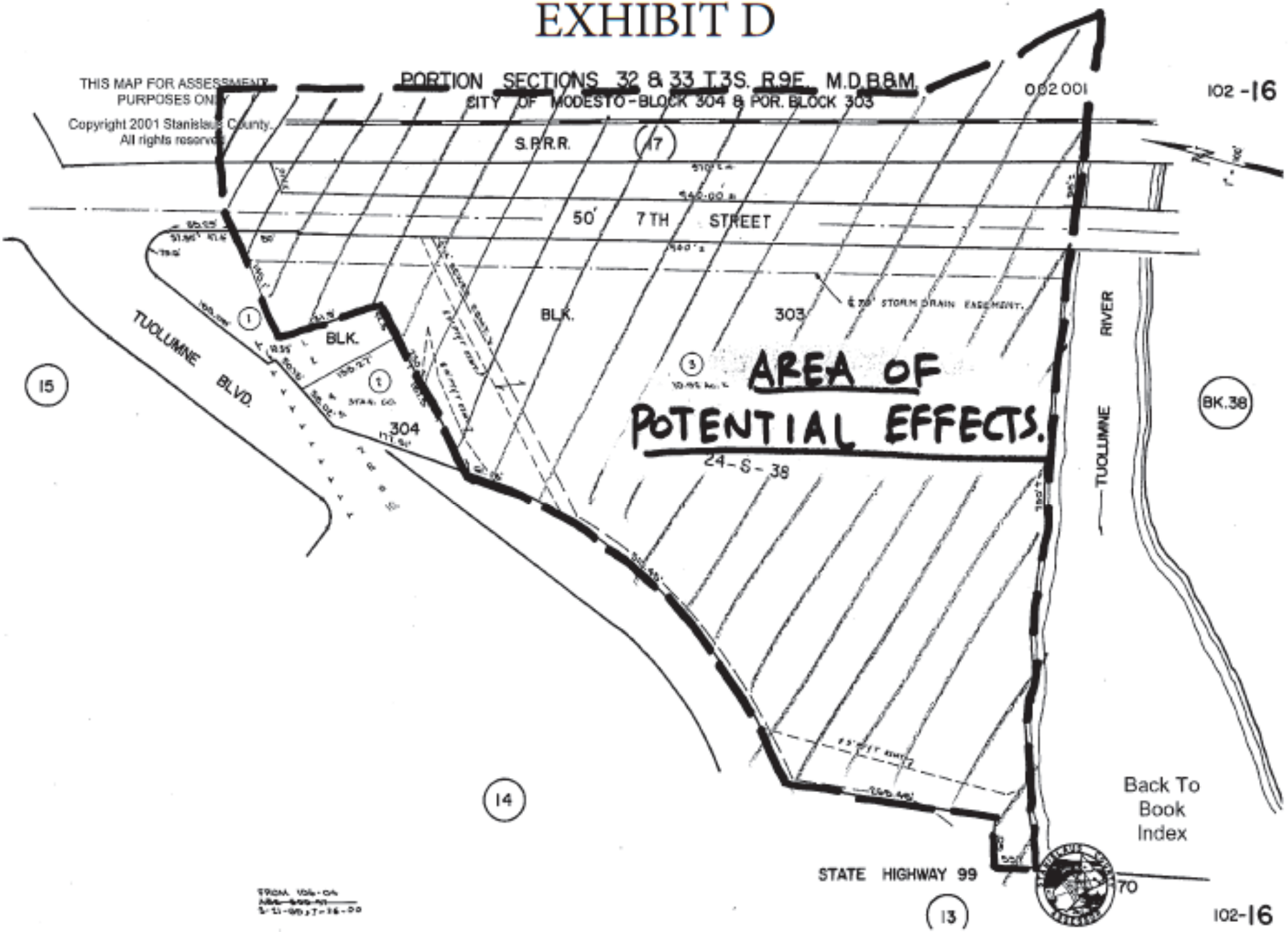


EXHIBIT D


THIS MAP FOR ASSESSMENT PURPOSES ONLY
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PORTION SECTIONS 32 & 33 T.3S. R.9E. M.D.B.&M.
CITY OF MODESTO - BLOCK 304 & POR. BLOCK 303
002 001
102-16
S.P.R.R.
17
50' 7TH STREET
BLK. 303
BLK. 304
TUOLUMNE BLVD.
TUOLUMNE RIVER
AREA OF POTENTIAL EFFECTS.
24-S-38
15
14
13
BK.38
STATE HIGHWAY 99
70
Back To Book Index
102-16

EXHIBIT E

CHAPTER IV. ENVIRONMENTAL ANALYSIS

E. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORICAL SITES

This section describes the cultural resources setting, evaluates potential impacts, and recommends mitigation measures to reduce potential cultural resource impacts of the proposed TRRP Master Plan. The analysis contained in this chapter was prepared by William Self Associates (WSA).

A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the General Plan is significant.

1. Study Area for Direct Impacts

The study area for direct impacts is the TRRP Master Plan area.

2. Study Area for Cumulative Impacts

The study area for cumulative impacts is the same as for cumulative impacts.

3. Existing Physical Conditions in the Study Area

a. Cultural Background

Prehistory

The chronological sequence for central California and the Lower Sacramento Valley begins with the Windmiller Pattern (Fredrickson 1973). Sites from this period date from about 4500 to 3500 years before present (B.P.). Although earlier sites no doubt exist, sites from the Paleo-Indian Period, dating from about 12,000 to 8,000 B.P., and sites form an unnamed phase dating from about 8,000 to 4,500 B.P., are thought to be buried under Holocene alluvial deposits and are not well documented in this part of California. Various scholars have suggested Windmiller sites are associated with an influx of peoples from outside of California who brought with them an adaptation to river-wetland environments (Moratto 1984:207).

Windmiller sites are often situated in riverine, marshland, and valley floor setting on small knolls above seasonal floodplains. Most Windmiller sites possess burial in what are thought to be cemeteries. Typically, the human remains are found in an extended position and oriented towards the west. The burials frequently contain numerous mortuary artifacts, which often include large projectile points (spear or dart points), a variety of fishing paraphernalia such as net weights, bone hooks, and spear points, and the vertebrate faunal remains of large and small mammals. Seed-grinding implements such as mortars and pestles, often included in burials, point to the importance of the gathering and processing of seed resources. Other artifacts such as charmstones,

quartz crystals, *Olivella* and *Haliotis* shell beads that are found in association with burials suggest trade routes and various degrees of ceremonialism. The subsequent Berkeley Pattern (previously part of the Middle Horizon) covers a period from about 3500 to 1500 B.C. in the San Francisco Bay region. This pattern overlaps somewhat with Windmiller attributes at the beginning and with Late Prehistoric artifacts at the end. Berkeley Pattern sites are much more common and well documented, and therefore better understood than the Windmiller sites. The sites are distributed in more diverse environmental setting, although a riverine focus is common.

Deeply stratified midden deposits (resulting from generations of occupation) are common to Berkeley Pattern sites, as are an abundance of milling and grinding stones for processing vegetal resources. Projectile points are progressively smaller and lighter over time, culminating in the introduction of the bow-and-arrow during the late prehistoric period. As mentioned above, although there are shared traits with Windmiller manifestations, artifacts unique to Berkeley Pattern sites include slate pendants, steatite beads, ear ornaments, and burial techniques utilizing variable directional orientation, flexed body positioning, and a general reduction of mortuary goods (Frederickson 1973; Moratto 1984).

The late prehistoric period (formerly the Late Horizon) ranges from about 950 to 150 B.P. This period, characterized as the Augustine Pattern (Fredrickson 1973), is typified by intensive fishing, hunting and gathering (particularly acorns), a large population increase, increased trade and exchange networks, increases in ceremonial and social attributes, and the practice of cremation (in addition to flexed burial). Certain artifact types also typify the pattern: bone awls for use in basketry manufacture, small notched and serrated projectile points indicative of bow-and-arrow use, some pottery, clay effigies, bone whistles, and stone pipes. The Augustine Pattern and the late prehistoric period can be characterized as the apex of Native American cultural development in this part of California. Further analysis of the various cultural interrelationships can be found in Hughes (1994), Fredrickson (1993) and Elsasser (1986).

Ethnography

Archaeological sites in the northern San Joaquin Valley indicate that it has been occupied, at least intermittently, for the past 5,000 years or longer (Moratto 1984). The ethnographic inhabitants of the area were the Yokut Indian group who are known to have established semipermanent villages in the project vicinity (Kroeber 1970). Unique among the California natives, the Yokuts are divided into true tribes, each with a name, a dialect, and a geographical territory. Each of the Yokuts tribes were autonomous units, none being subordinate to any other tribe. Cook (1955) estimates the number of Valley Yokuts (Northern and Southern) in the 18th century as approximately 41,000 persons, which makes them the largest pre-contact ethnic group in California (Moratto 1984:173). The approximately 50 tribes of Yokuts, each with 300 to 400 persons, lived in the 250-mile long San Joaquin Valley as far north as where the San Joaquin River empties into the Sacramento and as far south as the foot of the Tehachapi Mountains (Emanels 1992:119). The exact boundaries of the Yokuts are still a matter of controversy, especially between the Plains division and the adjacent Miwoks (Kroeber 1970:442). Although each tribal group had one or more permanent villages, their

territory contained numerous smaller campsites used during seasonal rounds of resource exploitation. Because tule grew profusely in their territory along the small creeks, streams and rivers, many extended families lived in lodges of woven tule. Often they built their villages in street-like order (Emanels 1992:127). Ceremonial semi-subterranean men's houses (called "sweathouses" by the Spanish), were built at the larger village sites also using grass and earth cover (Kroeber 1970). Given an abundant and continuous subsistence base, ceremony in Yokut life was fairly extensive, and scholars have written much about it based on early ethnographic accounts (Bennyhoff 1977; Kroeber 1970; Levy 1978).

Rituals associated with death were of great importance. Two forms of interment were practiced and mortuary goods were often placed into the grave at the time of burial. Cremation was also occasionally practiced, especially for those who died away from home so that the ashes might be transported for burial. Personal possessions were sometimes burned and the house of death was customarily abandoned. The ashes and unburned bones were gathered and placed in water, or else buried in a basket in the local cemetery (Gayton 1948, 2:236, 274).

The TRRP Master Plan area would have provided an excellent location for seasonal resource procurement camps. Tule or balso canoes were used to navigate rivers and lakes and for hunting and gathering forays into the Delta. Scholars have suggested the early California environment offered a large assortment of resources for use by native people, although acorns, fish, and game mammals formed the staples of their diet (Baumhoff 1963). Plant foods in great variety were gathered as they came into season. Researchers have stressed that acorns were of the utmost importance, as they could be stored in great quantities.

The first Europeans to explore the area were the Spanish looking for inland mission sites. The Spanish named the low-lying portion of the San Joaquin Valley "Los Tulares" and the stream "Rio de los Tulares", hence the appellation "Tulareños" by which the Yokuts were known (Kroeber 1970:476). In 1829 conflicts between the missionaries and native populations were quelled by Mexican forces. These troops controlled the area until the Mexican-American War ended 1848 and Mexico sold California to the United States. By the mid 1800s the Yokut population was nearly extinct due to diseases and pressures brought by the influx of missionaries and miners since the beginning of the 19th century (Wallace 1978). Historic settlement of the region by Euro-Americans comprised of cattle ranching, agriculture, orchards, and similar land use. The discovery of gold in the nearby Sierra Nevada foothills, also in 1848, caused the population in the Tuolumne River area to balloon. By 1871, the town of Modesto was established along Central Pacific Railroad lines that connected it to Stockton to the north and, eventually, Bakersfield to the south.

b. Results of the Record and Literature Search

A record and literature search was conducted at the Central California Information Center on September 29, 1999 to establish the location of previously conducted cultural resource surveys and known resources within a ¼ mile radius of the TRRP Master Plan area (File

No. 3567N). The search included a review of the *National Register of Historic Places*, the *California Register of Historical Resources*, the *California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1990), and the *California Points of Historical Interest* listing (May 1992 and updates), the *Historic Property Directory* (Office of Historic Preservation current computer list), the Caltrans *Local Bridge Survey* (1989), the *Survey of Surveys* (1989), GLO Plats, and other pertinent historic data available at the CCIC for each specific county.

In the Gateway Parcel four previous cultural resources surveys were found to have been conducted within the area of the record search (Hatoff et al. 1995, Marvin and Davis-King 1996, Hill 1992, Jensen 1996). Two field surveys have been conducted outside the immediate project area but lie within a ¼-mile of the project area (Jones & Stokes 1996, Harmon 1992). No archaeological resources were found during those surveys. The archival search identified no known or recorded prehistoric resources within the Gateway Parcel. One historic archaeological site, the Thurman Field Trash Scatter, has been recorded within ¼-mile of the Gateway Parcel project area (Jones & Stokes 1996). Four cultural resources (Lion's Market, W. H. Breshears, Inc., Ninth Street Bridge, Tidewater Southern Crossing) and one resource currently eligible for the National Register of Historic Places (Seventh Street Bridge) occur within the Gateway Parcel.

The Native American Heritage Commission (NAHC) in Sacramento was contacted by letter with a description of the proposed project and a request for a listing of local, interested Native American Representatives, and information on traditional or sacred lands within the project area and vicinity. No individual or tribal members have been notified as part of this scope of work. The Native American Heritage Commission responded to the request, noting that a search of the sacred lands file failed to indicate the presence of Native American cultural resources in the immediate project area. (Appendix C: letter dated December 14, 2000 and list of Native American Contacts).

c. Known Cultural Resources

A reconnaissance field survey of the Gateway Parcel and the Gallo/Mancini Area from the eastern edge of Mancini Park and the western edge of Legion Park to the western side of the Seventh Street Bridge was conducted on November 28, 2000. The area was evaluated for the presence of historic or prehistoric site indicators, and the existing cultural resources within the project area were evaluated and documented. In those areas subject to pedestrian survey, a maximum survey interval of 30 meters (100 feet) or less was utilized. The field survey consisted of a mixed strategy: intensive in sensitive areas known to contain sites, and cursory in developed/residential areas, cultivated fields, farmland, and densely overgrown/poison oak covered terrain. Steep hillsides and overgrown creek bottoms were avoided. Areas of steep terrain or dense vegetation/poison oak were visually inspected as conditions permitted along the route of the Tuolumne River drainage.

Ground visibility was fair to poor due to marsh, thick vegetation, and weed or riparian plant growth. Trowel or foot clearing was used to displace vegetation at regular intervals to improve ground visibility. All visible ground surface, gopher borrows, and other exposed soil was examined for the presence of historic or prehistoric site

indicators. Indicators of prehistoric activity include charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, and pockets of dark, friable soils. Historic resources include glass, metal, ceramics, brick, wood and similar debris.

Five previously recorded historic sites were located during the survey. Although outside the immediate project area, the Thurman Field Scatter was also reexamined. A description of these historic sites is presented below.

Seventh Street Bridge

The Seventh Street Bridge (Bridge No. 38C-023), or "Lion Bridge" as it is called locally, is located along the west side of the Gateway Parcel on Seventh Street across the Tuolumne River (Figures E-1 and E-2). Situated at the southern gateway to the City of Modesto, the Seventh Street Bridge is the only major example in the San Joaquin Valley of the "City Beautiful" bridge. Adorned in Beaux Arts classical detail, two concrete lions stand guard at each portal. Designed through the collaborative efforts of the engineering firm of Leonard & Day and architect Fay Spangler, the Seventh Street Bridge is the most impressive extant example of "Canticrete" bridge design. Invented by John B. Leonard, this bridge form involves a cantilevered steel truss encased in concrete. Built in 1916 by C.E. Cotton & Co., the main span is 101 feet long and 35.8 feet wide with 14 additional spans for a total of 1170 feet. The Seventh Street Bridge was designated a Modesto Landmark Preservation Site by the Modesto City Council in 1992 (City of Modesto 1992). According to the Caltrans Bridge Inventory, the Seventh Street Bridge (38C-23) is eligible for inclusion on the National Register of Historic Places.

Lion's Market

Lion's Market P-50-000438, originally known as Sanders Bros. Grocery, is located at 439 Seventh Street. Although it was constructed in 1947 and served the adjacent Shady Acres Court (now know as the Del Rio Mobile Home Park), the building does not appear to be eligible for inclusion in the NRHP under any of the criteria. Under Criterion A it is associated with the growth and development of Modesto after World War II, but is not associated with any persons significant in history (Criterion B). It does not embody any distinctive architectural characteristics (Criterion C), nor is it likely to yield information important in history (Criterion D). Recorded in 1996 by Judith Marvin, the site is described as "a one-story rectangular concrete clock building with front elevation clad in stucco and a front gable roof clad in asphalt shingles."

W.H. Breshear's Complex

Located at 720 B Street on the north side of the Seventh Street Bridge, the W.H. Breshears, Inc. (originally Standard Oil of California Products) is a complex of industrial buildings used for the distribution of Chevron products. Situated on a bluff along the northwest edge of the Gateway Parcel, the complex dates from 1913 and 1946. Recorded in 1996 as P-50-000439, this historic site is described as a "an office, storage buildings, and storage tanks." The Breshear's buildings do not appear to be eligible for inclusion in the National Register under any of the criteria. Under Criterion A, they are associated with the growth of the City of Modesto and the San Joaquin Valley when the

automobile and truck were replacing the horse and railroad as the primary methods of transportation, and oil and gasoline distribution facilities were developed along railroad lines as transfer stations. The buildings were constructed by an oil company and operated by a succession of managers and so does not appear to be eligible under Criterion B, nor does it appear to be likely to yield information important in history (Criterion D). Under Criterion C it does not retain any integrity of design or represent the work of a master or embody any distinctive characteristics of construction.

Ninth Street Bridge

The Ninth Street Bridge (Bridge 38C-61), is a pre-1950 highway bridge located in the Gateway Parcel project area at the Tuolumne River and 9th Street. According to the Caltrans Bridge Inventory, the Ninth Street Bridge is ineligible for inclusion on the National Register of Historic Places.

Union Pacific Railroad and Tidewater Southern Railway Bridges

Two pre-1950 railroad bridges are present in the Gateway Parcel project area. The two railroad bridges are standard wood truss type bridges, and thus not eligible for inclusion on the National Register as per the Memorandum of Understanding between Caltrans, the Federal Highway Administration and the California State Office of Historic Preservation. The Union Pacific Railroad Bridge (P-50-000083, UP-1 and UP-2) was built in 1912 by the independent Tidewater Southern Railway and acquired by the Western Pacific Railroad in 1917. The Union Pacific Railroad Bridge is located on the Turlock branch running from Modesto south to Turlock, one of three original segments of the Tidewater Southern Railway. The Tidewater Southern Railway began as an electric interurban passenger and freight line running south from Stockton to Modesto, a distance of 32 miles (Fickewirth 1992). A steam division was extended in July 1916 from Modesto to Turlock, a distance of 16 miles. Although unprofitable from the outset, passenger service survived until 1932 (Strapac 1974:10 in Hatoff, et al. 1995). The existing tracks reflect various stages of post-World War II modernization undertaken by the Western Pacific after 1917. The Union Pacific Railroad Bridge on the Turlock Branch shows signs of the most recent modernization. The rails were laid at these points some time after 1966 (Hatoff, et al. 1995).

The Tidewater Southern Railway Bridge was previously evaluated in 1996, but was determined ineligible for listing in the National Register of Historic Places due to a loss of integrity as per the Memorandum of Understanding (December 1980 among Caltrans, the Federal Highway Administration, and the California SHPO (CCIC 1999). The Tidewater Southern Railway Bridge was not recorded. Potential significance for this shortline relates chiefly to the fact that it was one of a small number of interurban electric train lines in the San Joaquin Valley. All vestiges of the old interurban line were dismantled in the 1930s when the line was converted to conventional motive power and in the 1940s when it was rebuilt for heavier diesel locomotives (Hatoff et al.1995). The Tidewater Southern Railway Bridge does not appear to be eligible for listing in the National Register of Historic Places because it does not retain integrity of setting, design, materials, workmanship, feeling and association.

Source: William Self Associates

Figure E-1 View looking southeast of Seventh Street Bridge

Source: William Self Associates

Figure E-2 View looking northwest of Seventh Street Bridge

Thurman Field Scatter

The Thurman Field Scatter CA-STA-393H, "a historic-era trash scatter containing four concentrations" is located outside the immediate project area, but within ¼ mile. Recorded in 1996 by Jones & Stokes, Inc. as part of the City of Modesto Thurman Field Expansion Project, the site is located between Neece Drive and the Tuolumne River and extends approximately 320 feet by approximately 80 feet with a depth of approximately 27 inches. Although visability was low due to riparian vegetation, a number of medium-sized chunks of concrete were visible on the level surface along Neece Drive. The steep embankment and area below contains large pieces of broken concrete slab. No recent evidence of potholing was observed. No additional cultural resources were noted.

4. Existing Regulatory Policies Applying to the Study Area

a. Federal Regulations

National Historic Preservation Act (NHPA) of 1966, Title 16, U.S. Code, Section 470

The NHPA establishes a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States. The National Register of Historic Places was established to recognize resources associated with the country's history and heritage. Guidelines for nomination are based on significance in American history, architecture, archaeology, engineering, and culture is present in resources that possess integrity of location, design, setting, materials, workmanship, feeling, and association (National Register of Historic Places).

Executive Order 11593

Executive Order 11593, "Protection of the Cultural Environment," May 13, 1971, 36 Code of Federal Regulations, Section 8921 as incorporated into Title 16, United States Code, Section 470, calls for the protection and enhancement of the cultural environment through providing leadership, establishing State offices of historic preservation, and developing criteria for assessing resource values.

American Indian Religious Freedom Act: Title 42 United States Code, Section 1996

The American Indian Religious Freedom Act protects Native American religious practices, ethnic heritage sites, and land uses.

b. State Policies

Title 14, Public Resources Code, Section 5024.1 establishes a California Register of Historic Places; sets forth criteria to determine significance; defines eligible properties; lists nomination procedures. To be eligible for California State Landmark registration, a cultural resource must have State-wide significance as the first and only, or most significant of a type in a region, be associated with an individual who has a profound influence on the history of California, or have architectural significance. The structure

must also be visible and accessible to the public, and must be maintained by the owner in its historic style (California State Landmarks Board).

The criteria for governing California State Points of Historical Interest are generally the same as those which govern State Landmarks, but are oriented to local, city or county areas. Points of Interest should be significant to the County or local area's social, cultural, economical, political, religious, or military history (California State Landmarks Board).

Title 14, Public Resources Code, Section 5097.5 prohibits any unauthorized removal or destruction of archaeological, paleontological resources on sites located on public lands. As used in this section, "public lands" means lands owned by, or under the jurisdiction of, the State, or any city, county, district, authority or public corporation, or any agency thereof.

Title 14, Public Resources Code 5097.98 prohibits obtaining or possessing Native American artifacts or human remains taken from a grave or cairn and sets penalties for such actions.

c. Stanislaus County Policies

The Stanislaus County General Plan Conservation/Open Space Element preserves areas of national, State, regional, and local historical importance. "Qualified Historical Buildings" as defined by the State Building Code shall be preserved (Conservation/Open Space Element, Goal 8, Policies 5 and 6).

d. City of Modesto Policies

City of Modesto Ordinance No. 2619 is the Landmark Preservation Ordinance. This ordinance establishes the recognition, preservation, enhancement, perpetuation, and use of structures, natural features, sites, and areas within the City of Modesto as having historic, architectural, archaeological, structural engineering, or aesthetic significance. The eligibility of a site is determined after public hearings by Modesto Landmark Preservation Commission recommendation, plus public hearing and final determination by the City Council.

5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

There are no Stanislaus County regulatory policies that avoid impacts to historic and archaeological resources.

b. City of Modesto Policies

The City of Modesto Landmark Preservation Ordinance (Ordinance No. 2619) serves to avoid impacts to historic and archaeological resources.

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

The CEQA Guidelines incorporate provisions for the evaluation or resources that might be eligible for the California Register. The Guidelines also state that archaeological sites, once identified, are to be evaluated for their significance, and specifically, that the lead agency must determine if the site is a historical resource under Section 15064.5 of the Guidelines. Determination of archaeological significance generally involves archaeological excavation to determine data potentials, site content, integrity of deposits, and the nature of constituent features and artifacts. Once it is determined that an archaeological site contains both the potential data for answering scientific or historical questions and integrity of deposits, then protection or other mitigation measures should be developed, in accordance with Section 15126.4 of the Guidelines.

Effects on archaeological sites may also be considered significant if the site is either a historical resource pursuant to 4850-4858 (Title 14) of the Public Resources Code or a unique archaeological resource. Further, steps are outlined in the CEQA Guidelines if the project disturbs any human remains, including those interred outside formal cemeteries. Finally, a lead agency is to make provisions for inadvertent discoveries (accidental discoveries during construction) (CEQA Guidelines 15064.5).

2. Thresholds of Significance Suggested by Other Analytical Methods

a. National Historic Preservation Act (NHPA)

The NHPA established eligibility requirements for inclusion on the National Register of Historic Places. The Act also requires that federal agency heads, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any historic landmark. The National Register of Historic Places criteria (contained in 36 CFR 60.4) are used to evaluate resources when complying with NHPA Section 106. Those criteria state that eligible resources comprise:

> ...districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that (a) are associated with events that have made a significant contribution to the broad patterns of our history; or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a type, period, or method of construction, or that possess high artistic values, or that

represent a significant distinguishable entity whose components may lack individual distinction; or (d) that have yielded or may be likely to yield, information important to history or prehistory.

The National Register of Historic Places was established to recognize resources associated with the country's history and heritage. Guidelines for nomination are based on significance in American history, architecture, archaeology, engineering, and culture is present in resources that possess integrity of location, design, setting, materials, workmanship, feeling, and association (National Register of Historic Places).

Archeological site evaluation assesses the potential of each site to meet one or more of the criteria for NRHP eligibility based upon visual surface and subsurface evidence (if available) at each site location, information gathered during the literature and record searches, and the researcher's knowledge of and familiarity with the historic or prehistoric context associated with each site.

b. The State Historic Preservation Officer (SPHO)

The SHPO coordinates State participation in the implementation of the National Historic Preservation Act by identifying historic properties, assessing the effects on them and considering alternatives to avoid or reduce those effects.

c. Landmark Preservation Commission

The Landmark Preservation Commission is responsible for the designation of historic landmarks within the City of Modesto. The landmark preservation designation process is as follows. The most desirable initiation is by an enthusiastic property owner with a property meeting the landmark guidelines for designation. However, for the six-year life of the Commission, individual Commissioners have placed sites on the Inventory of Potential Sites. The process includes a letter from the Chair to the property owner. The City Council requires that the property owner be in favor of designation. Staff then analyze the site and sets dates for public hearings. The public hearing will result in: (1) approval of the request if the Landmark Preservation Ordinance can make findings based on Section 9-10.04(b) of the Municipal Code, (2) continuing the hearing for more information, or (3) denying the request based on inability to make findings.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines, the National Historic Preservation Act, the State Historic Preservation Officer, and the Landmark Preservation Commission, the City has chosen to adopt the following thresholds of significance. The proposed project would have a significant impact to cultural resources if it would:

- Result in substantial modification or demolition of a listed historic resource or a structure over 50 years old.

- Involves the removal of known resources, results in discovery of undiscovered archaeological resources, or if it involves construction within an area of high archaeological sensitivity.

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.

- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.

- Disturb any human remains, including those interred outside of formal cemeteries.

4. Significant Direct Impacts

a. Impacts to Known Cultural Resources

Impacts to cultural resources may result either directly or indirectly during the pre-construction, construction, and operation of the project. Direct impacts are those which may result from the immediate disturbance of resources, whether from vegetation removal, vehicle travel over the surface, earth-moving activities, excavation or alteration of the setting of a resource. Indirect impacts are those which may result from increased erosion due to site clearance and preparation, or from inadvertent damage or outright vandalism to exposed resource materials due to improved accessibility.

Based upon the on-site evaluation and limited archival research, none of the known cultural resource sites in the Gateway Parcel or the Gallo/Mancini TRRP project vicinity would be adversely affected by implementation of the proposed TRRP Master Plan. The Seventh Street Bridge (No. 38C-023) has been determined eligible for inclusion in the National Register of Historic Places (DOE Process 12/24/85). There would be an adverse effect if the bridge is removed or it or its surrounding environment significantly altered. Because the TRRP Master Plan does not propose to remove or alter the Seventh Street bridge, there would be no impact to this historic resource.

b. Potential Discovery of Unknown Resources

Implementation of the TRRP Master Plan would allow for subsurface grading and construction of new recreational facilities within the TRRP, primarily in the Gateway Parcel. Based upon the findings of the recent record and literature search, impacts to significant cultural resource sites within the project area are not anticipated. It is, however, possible that buried or otherwise unknown resources may be discovered during construction grading or vegetation removal. Prehistoric resources include chert or obsidian flakes, projectile points, mortars and pestles, and dark, friable midden soil containing bone and shell. Historic resources include glass, metal, ceramics, wood and similar debris. In addition to cultural resources, the potential for fossil materials to be found during project construction activities, remains uncertain until the ground surface has been broken and excavation of sub-surface soils takes place. Such resources, if uncovered during project

development, would be subject to potential damage or destruction prior to the assessment of their importance and development of mitigation measures.

Impact CR-1: Potential Discovery of Unknown Cultural Resources. Project grading and earthmoving activities could disturb previously undiscovered historic resources or archaeological sites. This is a potentially significant impact.

c. Potential Discovery of Human Remains

The TRRP Master Plan area has no known human remains, including those interred outside of formal cemeteries. However, it is possible that human remains may be discovered when site excavation and grading occurs. If uncovered during project development, construction activities may disturb the human remains. Sections 5097.98 and 5097.99 of the Public Resources Code calls for protection of Native American human burials and skeletal remains from vandalism and inadvertent destruction.

Impact CR-2: Potential Discovery of Human Remains. Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact.

5. Significant Cumulative Impacts

The direct impacts described in this section are the same as cumulative impacts. Cultural resource issues associated with the TRRP Master Plan are site- and project-specific. No cultural resource conditions exist around the project site that could, in combination with other cultural effects, result in a larger cumulative impact. Thus, no cumulative cultural resource impacts are anticipated.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

There are no potential impacts for which there is insufficient information to support a full analysis.

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

1. Measures Which Mitigate Direct Impacts

Impact CR-1: Potential Discovery of Unknown Cultural Resources. Project grading and earthmoving activities could disturb previously undiscovered historic resources or archaeological sites. This is a potentially significant impact.

Mitigation Measure CR-1: Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings. If previously undiscovered historic or

unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less-than-significant.

a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.

b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.

c) If the discovery is historic, archival research may be necessary by a qualified historian.

d) If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior's Professional Qualifications Standards.

Impact CR-2: Potential Discovery of Human Remains. Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact.

Mitigation Measure CR-2: Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.

The County Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant.

Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

2. Measures Which Mitigate Cumulative Impacts

Because the direct impacts described in this section are the same as cumulative impacts, the mitigation measures given for direct impacts would also serve as mitigation measures for cumulative impacts.

3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

Because the identified impacts in this section could be adequately mitigated, there is no alternative design presented.

EXHIBIT F

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. Cultural Resources. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Environmental Setting

The Master EIR presents cultural resources setting information for the Gateway Parcel. Since publication of the TRRP Master Plan Master EIR, no changes or new information relating to cultural resources in the project area have occurred that would alter the findings in the Master EIR.

The following discussion is based on the cultural resources impact analysis presented in the TRRP Master Plan Master EIR.

Discussion

a-b) Effects on Known Cultural Resources

The Master EIR stated that none of the known cultural resources sites within the Gateway Parcel would be adversely affected by implementation of the proposed TRRP Master Plan. The Precise Plan project area is identical to the Gateway Parcel project area addressed in the Master EIR, except the Precise Plan project area does not include the W. H. Breshears, Inc. property. The area of construction and ground disturbance is the same as that evaluated in the Master EIR.

The Seventh Street Bridge (No. 38C-023) has been determined eligible for inclusion in the National Register of Historic Places (DOE Process 12/24/85). There would be an adverse effect if the bridge is removed or if its surrounding environment is significantly altered. Because the Gateway Parcel Precise Plan does not propose to remove or alter the Seventh Street bridge, no impact to this historic resource would occur.

Implementation of the Precise Plan would not affect the other potentially historic resources identified within the project area. The W.H. Breshears, Inc. property is no longer included in the Gateway Parcel Precise Plan

project area. Lion's Market, Ninth Street bridge and the Union Pacific Railroad and Tidewater Southern Railway bridges do not appear to be eligible for listing in the National Register of Historic Places. Therefore, the Gateway Parcel Precise Plan would not adversely affect known historic resources.

As stated above, no archaeological resources were identified within the Gateway Parcel during field surveys for the TRRP Master Plan, and no known or recorded prehistoric resources were found in the record search. Since no known archaeological resources exist within the project area, the project would not adversely affect known archaeological resources.

Effects on Unknown Cultural Resources

Implementation of the Gateway Parcel Precise Plan would allow for subsurface grading and construction of new recreational facilities. Based upon the findings of the recent record and literature search, impacts to significant cultural resource sites within the project area are not anticipated. It is, however, possible that buried or otherwise unknown resources may be discovered during construction grading or vegetation removal. Prehistoric resources include chert or obsidian flakes, projectile points, mortars and pestles, and dark, friable midden soil containing bone and shell. Historic resources include glass, metal, ceramics, wood and similar debris. In addition to cultural resources, the potential for fossil materials to be found during project construction activities, remains uncertain until the ground surface has been broken and excavation of sub-surface soils takes place. Such resources, if uncovered during project development, would be subject to potential damage or destruction prior to the assessment of their importance and development of mitigation measures.

The Native American Heritage Commission in Sacramento was contacted by letter with a description of the proposed project and a request for a listing of local, interested Native American representatives, and information on traditional or sacred lands within the project area and vicinity.

The Master EIR identified cultural resources impacts within the Gateway Parcel, which is the project area for the Precise Plan. Project construction and ground disturbing activities could adversely affect unknown cultural resources. This is considered a potentially significant impact. The following mitigation measure, adopted by the City of Modesto in September 2001 for the Master EIR, will be implemented in the event that unknown cultural resources are encountered during implementation of the Gateway Parcel Precise Plan. This measure is updated in this Initial Study to reflect current practices.

> **Master EIR Mitigation Measure CR-1:** If unrecorded cultural resources are encountered during project-related ground-disturbing activities, a qualified cultural resources specialist shall be contacted to assess the potential significance of the find.
>
> If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains, etc.) is made during project-related construction activities, ground disturbances in the area of the find will be halted and a qualified professional archaeologist will be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per the California Register of Historic Resources and develop appropriate mitigation.

Implementation of the above mitigation measure would reduce potentially significant impacts resulting from inadvertent damage or destruction of unknown cultural resources during construction to a less-than-significant level.

c) Unique Cultural Resources

No known unique paleontological resources or unique geologic features would be affected by implementation of the Gateway Parcel Precise Plan.

d) Disturbance of Human Remains

Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact that is consistent with the findings of the Master EIR. Therefore, the following mitigation measure adopted by the City of Modesto in September 2001 applies to the Gateway Parcel Precise Plan. This mitigation measure is updated in this Initial Study to reflect current practices.

> **Master EIR Mitigation Measure CR-2:** California law recognizes the need to protect interred human remains, particularly Native American burials and associated items of patrimony, from vandalism and inadvertent destruction. The procedures for the treatment of discovered human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097.
>
> In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities all such activities in the vicinity of the find shall be halted immediately and the lead agency or the lead agency's designated representative shall be notified. The lead agency shall immediately notify the county coroner and a qualified professional archaeologist. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The responsibilities of the lead agency for acting upon notification of a discovery of Native American human remains are identified in detail in the California Public Resources Code Section 5097.9. The lead agency or its appointed representative and the professional archaeologist will consult with a Most Likely Descendent (MLD) determined by the Native American Heritage Commission regarding the removal or preservation and avoidance of the remains and determine if additional burials could be present in the vicinity.

Assuming an agreement can be reached between the MLD and the lead agency or its representative with the assistance of the archaeologist, these steps will result in minimizing or eliminating adverse impacts to the uncovered human remains.

Implementation of this mitigation measure would reduce this potential impact to a less-than-significant level.

EXHIBIT G

CENTRAL CALIFORNIA INFORMATION CENTER

California Historical Resources Information System

Department of Anthropology - California State University, Stanislaus

801 W. Monte Vista Avenue, Turlock, California 95382

(209) 667-3307 - FAX (209) 667-3324

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: November 6, 2006

CCIC File #: 6492N
Project: "Riverwalk Project" in Tuolumne River Regional Park (recreation trail program); within the TRRP Gateway Parcel.

Beverly Hatcher, Fund Development Specialist
City of Modesto
Parks, Recreation and Neighborhoods Program
P.O. Box 642
Modesto, CA 95353

Dear Ms. Hatcher,

We have conducted a records search as per your request for the above-referenced project area located on the Riverbank and Ceres USGS 7.5-minute quadrangle maps in Stanislaus County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the National Register of Historic Places, the California Register of Historical Resources, *the California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1990), and the *California Points of Historical Interest* listing (May 1992 and updates), the Historic Property Data File (Office of Historic Preservation current computer list dated 9/18/2006), the CALTRANS State and Local Bridge Survey (1989 and updates), the *Survey of Surveys* (1989), GLO Plats, and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

Prehistoric or historic resources within the project area:

No prehistoric or historic *archaeological* resources have been reported to the CCIC.

Historic property and structure information:

Seventh Street Bridge, AKA "Lion Bridge": has been formally determined to be eligible for inclusion in the NRHP, and is listed on the California Register of Historical Resources. It is also a designated City of Modesto Landmark Preservation Site. Primary file #P-50-000617. Attached: page 4 of the Historic Property Data File, the Bridge Rating Sheet prepared by Caltrans, and the Primary Record by William Self Associates.

Southern Pacific/Union Pacific Railroad Bridge (trestle), Primary file #P-50-000514. It was determined ineligible for the NRHP as per the 1980 MOU between Caltrans, FHA, and SHPO. However, in their 1996 report, Marvin and Davis-King (report #ST-2801), repeatedly state that the bridge needs to be reevaluated. Unfortunately, no new evaluation has yet been submitted to the CCIC. The railroad bridge was not reevaluated in the 2000 report (#ST-3995) by Far Western (project avoidance of railroad features was the general recommendation), nor was it reevaluated in the 2001 report (#ST-4816) by William Self Associates for the TRRP Master Plan EIR.

Attached: 1991 Bridge Evaluation Form prepared by Snyder for Caltrans, and 3 pages from the Marvin and Davis-King report ("Resources Identified" and "Conclusions" from the HPSR, and page 7 from the HASR—attached to the report title pages).

Other structure information:

Ninth Street Bridge #38C-61: has been replaced.

The Tidewater-Southern Railroad Bridge (trestle), Primary file #P-50-001811: has burned down.

The SR 99 bridge over the Tuolumne River (Bridge #38-78L/R): dates to 1963 and is considered by Caltrans to be ineligible for the NRHP, according to the 3/1987 and the 8/2000 Caltrans State Bridges Inventory.

Other historic information:

According to *Annals of Stanislaus County, California, Volume I: River Towns and Ferries* (Brotherton 1982:132-135): The vicinity of the 7th Street Bridge is the former site of the Davis & Maze Ferry (1868), AKA Whitmore Ferry or Modesto Ferry. In 1877 it moved 244 feet below the Southern Pacific railroad bridge. The north bank of the Tuolumne River, just above the 7th Street Bridge, was the former site of the saloon and way station known as the "Bridge House", which was known to be in existence from at least 1883 to 1891.

The GLO Plat map for T3S/R9E (sheet # not shown, dated 1852-1854) references a "Road" along the north bank of the river, in or adjacent to the project APE, in the SE ¼ of section 32.

Prehistoric or historic resources within the immediate vicinity of the project area:

No prehistoric resources have been reported to the CCIC.

One historic archaeological site has been reported as follows:

Primary Number	Trinomial
P-50-000084	CA-STA-000393H

"Thurman Field Trash Scatter": historic artifact deposit (several loci). The recorders (Jones & Stokes) recommended avoidance of this resource, but they did not evaluate it. William Self Associates (2001) relocated the site, confirming that it is outside of the immediate project (TRRP Gateway Parcel) area. The site record is available if needed, but it is probably on file with the City of Modesto. We would recommend that the site record and map not be included in documents distributed to the public, to avoid "pothunting". The site appears to be adjacent to the southwestern end of the proposed recreation trail. It is not listed in the HPDF or the Archaeological Determinations of Eligibility (OHP computer lists).

Evaluated property information:

The Breshears, Inc. Chevron Products/Standard Oil Complex at 720 B Street (file #P-50-000439) is immediately adjacent. The recorder and several subsequent researchers consider it ineligible for the NRHP. It is not shown in the Historic Property Data File. Two-page record available.

Page 5 of the Historic Property Data File (attached) shows another property immediately adjacent, the Associated Oil Building at 102 9th Street, ca. 1910. It was determined to be ineligible for the NRHP.

Resources that are known to have value to local cultural groups:

None have been formally reported to the CCIC.

Previous investigations within the project:

Studies reported to the CCIC; title pages attached:

CCIC report # ST-		
1435	Hill (1992)	
1836	Harmon et al. (1992)	
2759	Hatoff, Voss, Waechter, and Wee (1995)	
2801	Marvin and Davis-King (1996)	possibly on file with the City
2848	Fernandez (1996)	" " " "
3995	Nelson (2000)	
4760	LSA Associates, Inc. (2002)	possibly on file with the City
4816	William Self Associates (2001)	" " " "
5007	McClean (1999)	" " " "

Other reports consulted for this record search: ST-4592 Gatlin (2000)

Recommendations/Comments:

Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

Based on existing data in our files the project area (including the recreation trail area) has a high sensitivity for the possible discovery of subsurface prehistoric resources, including lithic debitage and tools or tool fragments, "kitchen midden" soils, hearths, human burials, animal bone, and charcoal. There is also a moderate-to-high sensitivity for subsurface historic features, such as refuse and artifact deposits and structural remains. It is also possible that previously undiscovered subsurface components of the "Thurman Field Trash Scatter" exist in the project area. The *surface* of the project area appears to have been subject to adequate archaeological field survey, but we recommend professional archaeological monitoring of excavation activities. In regard to the known standing historic structures: we recommend avoidance of impact to the 7th Street Bridge and the Southern Pacific Railroad Bridge. We also recommend formal reevaluation of the Railroad bridge. A copy of the Referral List for Historical Resources Consultants is attached for your files.

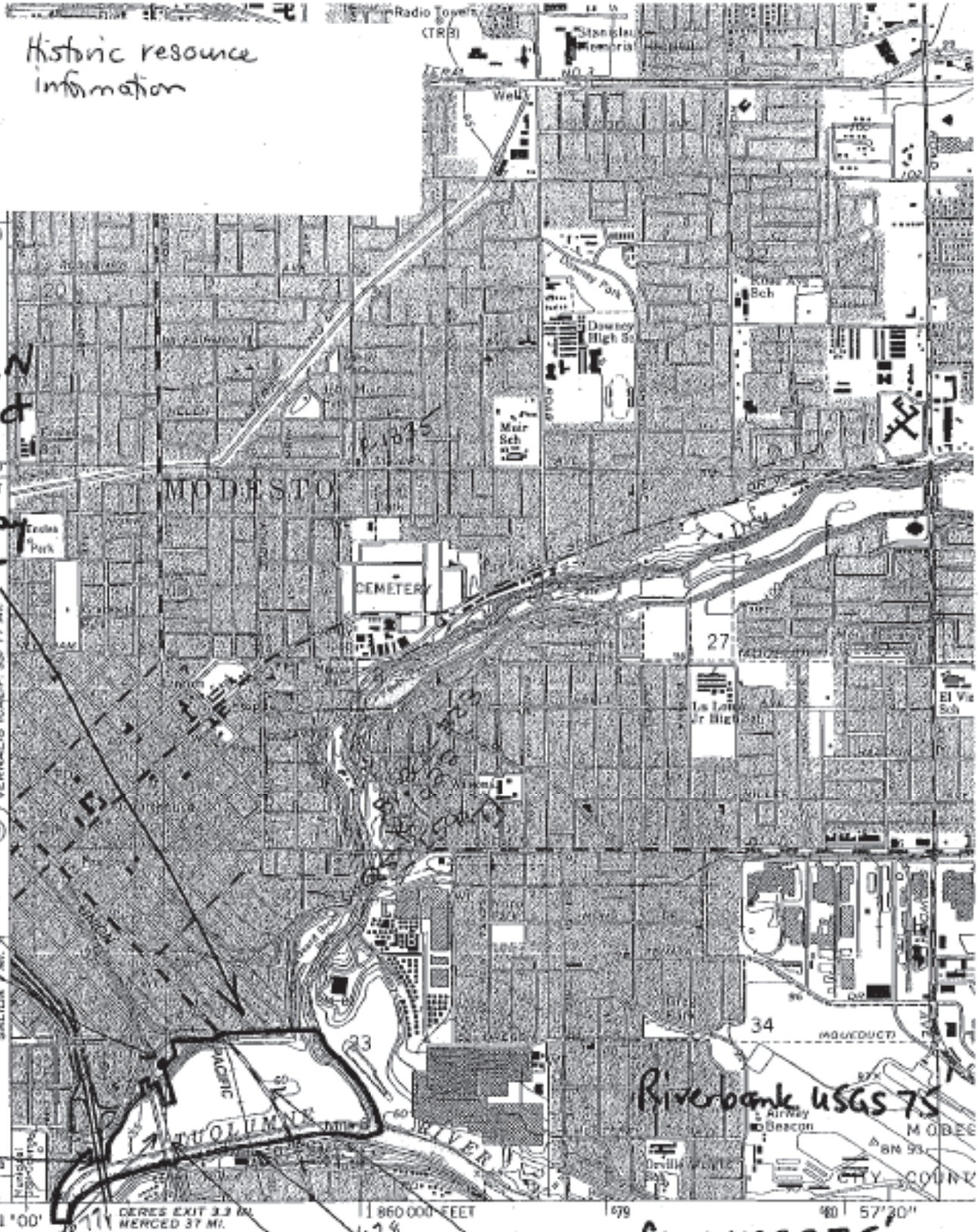
We advise you that in accordance with State law, if any historical resources are discovered during project-related construction activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-653-4082) are to be notified immediately for recommended procedures.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Billing is attached, payable within 60 days of receipt of the invoice.

Sincerely,

Robin Hards, Assistant Research Technician
Central California Information Center
California Historical Resources Information System

Map 1: Historic resource information



CCIC#6492N
Approx. project boundary; TRRP Gateway Parcel Project

(P-50-439) Standard oil Complex, 720 B. St.

SR 99 Bridge #38-78 4R (1968) not eligible for NRHP

Riverbank USGS 7.5

Ceres USGS 7.5

old 9th St. Bridge (now replaced)

(P-50-617) 7th St. "Lion Bridge" #38-23 Eligible for NRHP; also a City of Modesto Landmark Preservation Site

S.P. RR trestle bridge (P-50-514) - needs to be re-evaluated

Tidewater-Southern RR. trestle bridge (P-50-1811) (burned down)

FOR

Map 2: Studies
ST-3995, 1435, 1836,
2848

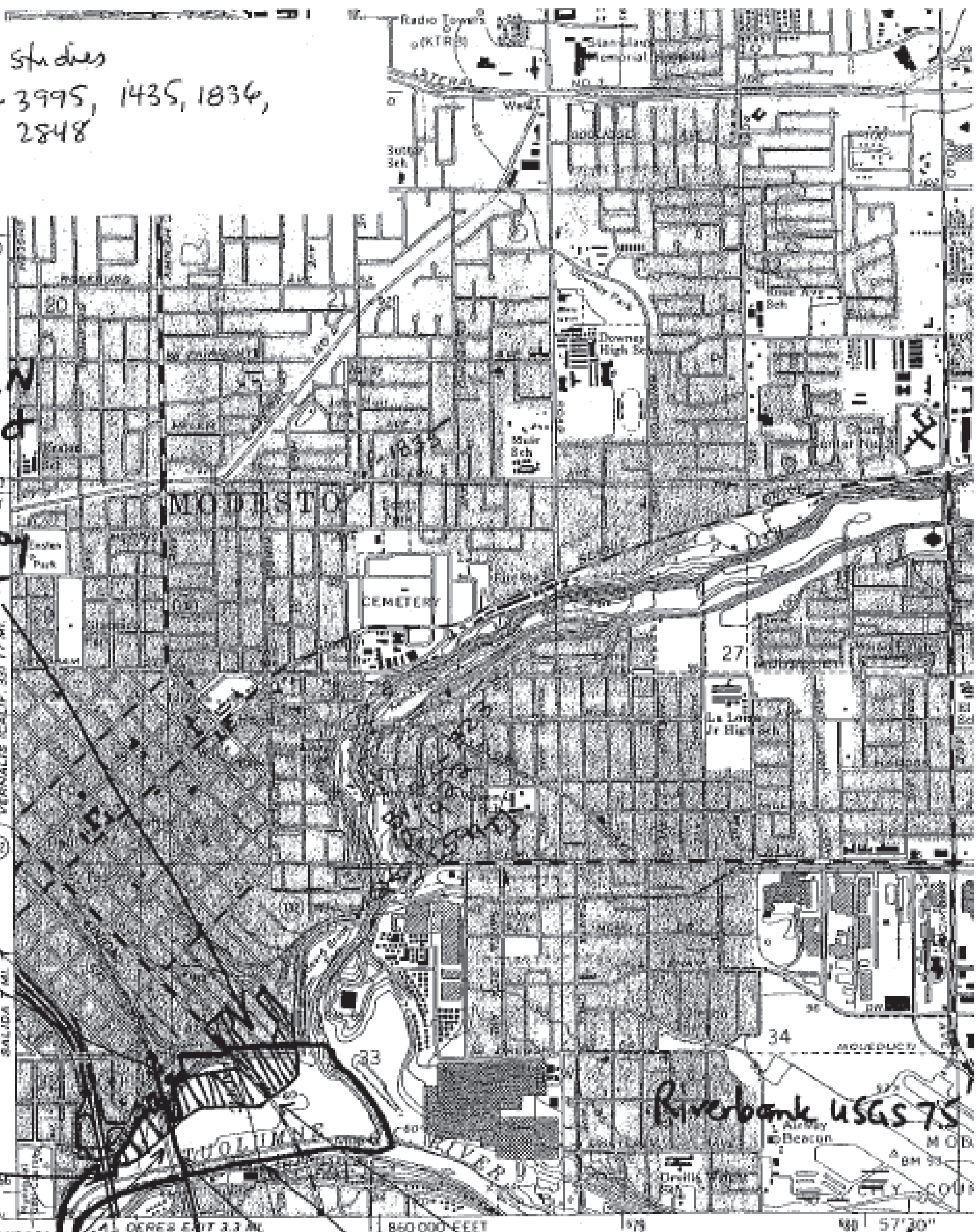
CCIC#6492N
Approx. project boundary;
TRRP Gateway Parcel Project

↕ = ST-3995
(R.R. ROW)

||| = ST-1435,
ST-1836

(P-50-439)
Standard oil Complex,
720 B St.

SR99 Bridge
#38-78 4R
(1968)
not eligible
for NRHP



Ceres USGS 7.5

Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969

Supersedes map dated 1914, revised 1953

Polyconic projection. 1927 North American datum
10,000-foot grid based on California coordinate system, zone 3
1000-meter Universal Transverse Mercator grid ticks,
zone 10, shown in blue

To place on the predicted North American Datum 1983,
move the projection lines 12 meters north and
91 meters east as shown by dashed corner ticks

There may be private inholdings within the boundaries of
the National or State reservations shown on this map

UTM GRID AND 1987 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

1°16' 23 MILS

15½° 276 MILS

(BRUSH LAKE) 1799 II SE

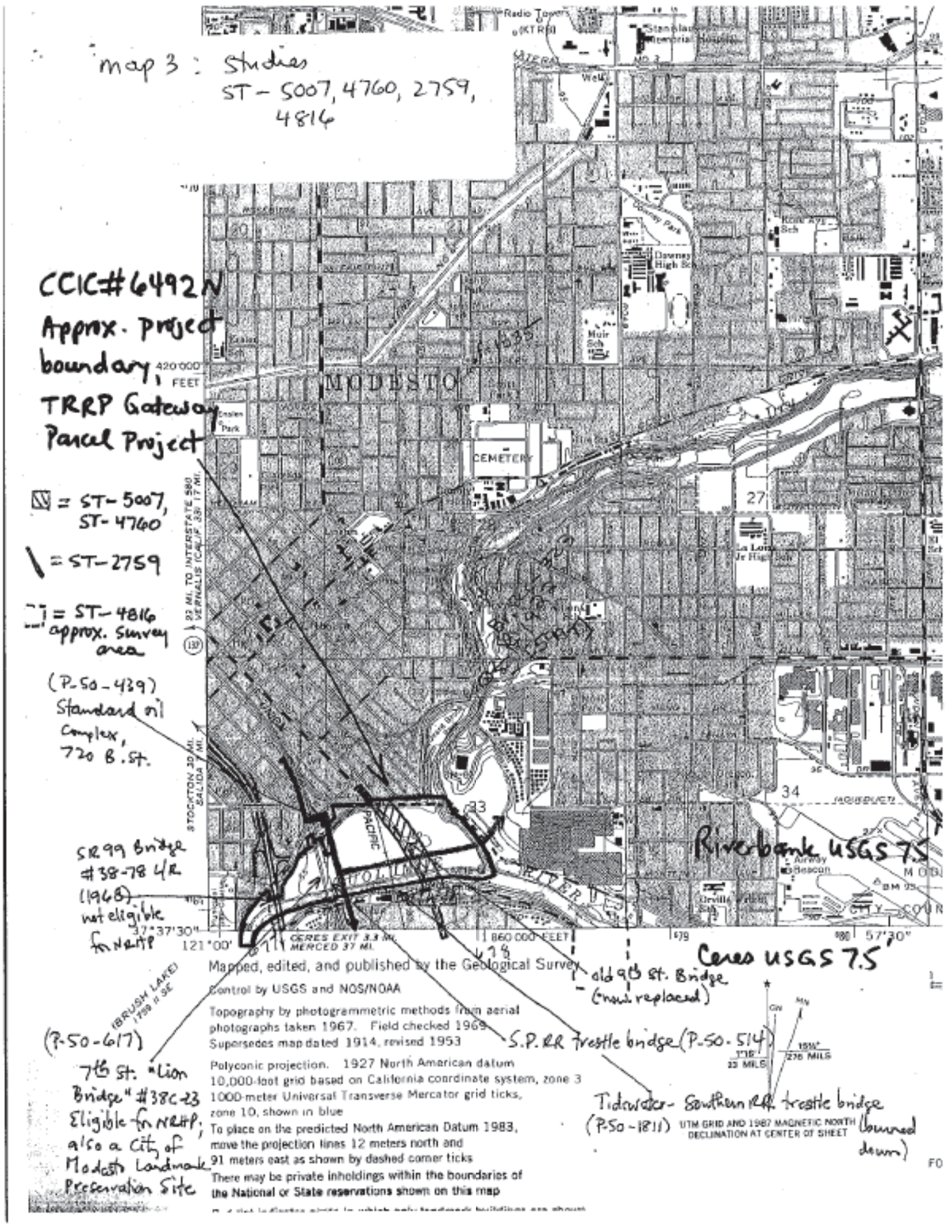
ST-2848

(P-50-617)
7th St. "Lion Bridge" #38C-23
Eligible for NRHP,
also a City of Modesto Landmark Preservation Site

Old 9th St. Bridge
(now replaced)

S.P. RR trestle bridge (P-50-514)

Tidewater-Southern RR trestle bridge
(P-50-1811) (burned down)


map 3: Studies
ST - 5007, 4760, 2759, 4816
CCIC#6492N
Approx. project boundary
TRRP Gateway Parcel Project
▨ = ST-5007, ST-4760
\ = ST-2759
= ST-4816 approx. survey area
(P-50-439) Standard oil Complex, 720 B. St.
SR99 Bridge #38-78 L/R (1968) not eligible for NRHP
(P-50-617) 7th St. "Lion Bridge" #38C-23 Eligible for NRHP; also a City of Modesto Landmark Preservation Site
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S.P. RR Trestle bridge (P-50-514)
Tidewater-Southern RR trestle bridge (P-50-1811)
Riverbank USGS 7.5
Ceres USGS 7.5
MODESTO
CEMETERY
PACIFIC
Mapped, edited, and published by the Geological Survey
Control by USGS and NOS/NOAA
Topography by photogrammetric methods from aerial photographs taken 1967. Field checked 1969
Supersedes map dated 1914, revised 1953
Polyconic projection. 1927 North American datum
10,000-foot grid based on California coordinate system, zone 3
1000-meter Universal Transverse Mercator grid ticks, zone 10, shown in blue
To place on the predicted North American Datum 1983, move the projection lines 12 meters north and 91 meters east as shown by dashed corner ticks
There may be private inholdings within the boundaries of the National or State reservations shown on this map
UTM GRID AND 1987 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET
420 000 FEET
860 000 FEET
121°00'
37°37'30"
57'30"

MAPQUEST.

CCIC# 6492N

Approx. project boundary, TRRP Gateway

Modesto, CA US

map 4: Sht 4, ST-2801

☐ = ST-2801

PROPERTY-NUMBER	PRIMARY-#	STREET ADDRESS	NAMES	CITY NAME	OWN	YR-C	COMP-PROG	PRG-REFERENCE-NUMBER	STAT-DAT	MRS	
079385	50-000521	1517 10TH ST	RAINBO BAKERY	MODESTO	P	1931	HIST.RES.	DOE-50-92-0010-0000	11/13/92	6Y	
							PROJ.REVW.	FHWA9209238	11/13/92	6Y	
079386	50-000524	110 11TH ST	BOOTH'S PACKING COMPANY	MODESTO	P	1960	HIST.RES.	DOE-50-92-0011-0000	11/13/92	6Y	
							PROJ.REVW.	FHWA9209238	11/13/92	6Y	
057747	50-000591	1012 11TH ST	PACIFIC TELEPHONE BUILDING, OLD TE	MODESTO	P	1922	HIST.SURV.	5352-0072-0000		3S	
057965	50-000543	12TH ST	MODESTO UNITED STATES POST OFFICE	MODESTO	F	1933	HIST.RES.	NPS-83001344-0000	02/10/83	1S	
							HIST.SURV.	5352-0110-0000	01/01/83	1S	
137006		401 14TH ST		MODESTO	P	1951	HIST.RES.	DOE-50-02-0010-0000	12/12/02	6Y	
							PROJ.REVW.	FHWA0210158	12/12/02	6Y	
190932		618 14TH ST		MODESTO	P	1910	HIST.RES.	DOE-50-04-0023-0000	07/26/04	6Y	
							PROJ.REVW.	HUD040706C	07/26/04	6Y	
057748	50-000592	909 14TH ST	HATTON HOME, DAVIS HOME	MODESTO	P	1880	TAX.CERT.	537.9-50-0001	09/16/91	7J	
							HIST.SURV.	5353-0073-0000		3S	
057749	50-000593	915 14TH ST	DELAPPE HOUSE, SHALOM COUNSELING C	MODESTO	P	1909	HIST.SURV.	5352-0074-0000		5S2	
057750	50-000594	1015 14TH ST	SOL P ELIAS HOME, MARTIN MEDDY OFF	MODESTO	P	1909	HIST.SURV.	5352-0075-0000		5S2	
057751	50-000595	1022 14TH ST	HOWARD HOUSE, FAMILY SERVICE AGENC	MODESTO	P	1917	HIST.SURV.	5352-0076-0000		5S2	
057752	50-000596	1025 14TH ST	BLAKE HOUSE	MODESTO	P	1919	HIST.SURV.	5353-0077-0000		7H	
057753	50-000597	1104 14TH ST	TURNER HOME, DINOS HAIR STYLISTS	MODESTO	P	1917	HIST.SURV.	5352-0078-0000		5S2	
057754	50-000598	1116 14TH ST	FALK RESIDENCE, FLESORAS HOME	MODESTO	P	1917	HIST.SURV.	5352-0079-0000		5S2	
057755	50-000599	1136 14TH ST	MADDUX HOUSE, MORGAN HOME	MODESTO	P	1917	HIST.SURV.	5352-0080-0000		5S2	
096955	50-000600	403 15TH ST		MODESTO	P	1925	PROJ.REVW.	HUD950616E	07/28/95	6Y	
096957	50-000601	405 15TH ST		MODESTO	P	1900	PROJ.REVW.	HUD950616F	07/28/95	6Y	
057756	50-000602	825 15TH ST	THE BOOVE HOME, JAMES APARTMENTS	MODESTO	P	1917	HIST.SURV.	5352-0081-0000		5S2	
057556	50-000530	906 15TH ST	MCHENRY MANSION	MODESTO	M	1883	ST.FND.PRG	619.0-84-HP-50-006	12/23/86	3	
							ST.FND.PRG	619.0-84-HP-50-001	09/30/86	3	
							HIST.RES.	SPHI-82A-004	07/31/79	7L	
							HIST.RES.	NPS-78000805-0000	04/04/78	1S	
							HIST.SURV.	5352-0001-0000	01/01/78	1S	
							ST.FND.PRG	619.0-HP-88-50-002		3	
057758	50-000603	921 15TH ST	MOORE HOME, OFFICE OF DR. EASTIN	MODESTO	P	1936	HIST.SURV.	5352-0083-0000		7R	
136805		523 16TH ST		MODESTO	P	1922	HIST.RES.	DOE-50-03-0003-0000	01/15/03	6Y	
							PROJ.REVW.	HUD030109G	01/15/03	6Y	
057964	50-000604	612 16TH ST	BISHOP HOUSE	MODESTO	P	1882	HIST.SURV.	5352-0109-0000		7R	
057759	50-000605	850 16TH ST	FIRST METHODIST EPISCOPAL CHURCH,	MODESTO	P	1931	HIST.SURV.	5352-0084-0000		5S2	
057760	50-000606	1016 16TH ST	BROUGHTON HOME, BAIRDS PHOTOGRAPHI	MODESTO	P	1914	HIST.SURV.	5352-0085-0000		5S2	
057761	50-000607	1025 16TH ST	W. D. THOMAS HOUSE, LAW OFFICES OF	MODESTO	P	1934	HIST.SURV.	5352-0086-0000		5S2	
057762	50-000608	821 17TH ST	STEVENS HOME	MODESTO	P	1914	HIST.SURV.	5352-0087-0000		5S2	
057763	50-000609	823 17TH ST		MODESTO	P	1917	HIST.SURV.	5352-0088-0000		7R	
057764	50-000610	915 17TH ST	CRESSEY HOME, MUSLAND HOUSE	MODESTO	P	1917	HIST.SURV.	5352-0089-0000		5S2	
066360	50-000611	822 1ST ST	REHABILITATION OF HOUSE	MODESTO	U		PROJ.REVW.	HUD871109L	12/15/87	6Y	
067075	50-000612	707 3RD ST		MODESTO	U		PROJ.REVW.	HUD900102H	02/01/90	6Y	
139206		811 3RD ST		MODESTO	P	1918	HIST.RES.	DOE-50-03-0009-0000	04/16/03	6Y	
							PROJ.REVW.	HUD030404D	04/16/03	6Y	
065072	50-000613	630 4TH ST		MODESTO	U		PROJ.REVW.	HUD881209H	01/04/89	6Y	
057757	50-000614	1024 4TH ST	CLINTON CHAPEL AFRICAN METHODIST C	MODESTO	P	1902	HIST.SURV.	5352-0082-0000		7R	
065619	50-000615	625 5TH ST		MODESTO	U		PROJ.REVW.	HUD890109H	02/07/89	6Y	
							PROJ.REVW.	HUD881209G	01/04/89	6Y	
095985	50-000616	308 6TH ST	08	MODESTO	P	1915	PROJ.REVW.	HUD950531J	07/03/95	6Y	
							PROJ.REVW.	HUD950526P	05/30/95	6Y	
114971	50-000617	7TH ST	X BRIDGE #38C-23 / SEVENTH STREET BR	MODESTO	C	1916	HIST.RES.	DOE-50-86-0001-0000	10/19/86	2S2	AC
							PROJ.REVW.	FHWA8609108	10/19/86	2S2	AC
066449	50-000618	930 7TH ST	MODESTO HOUSING REHABILITATION	MODESTO	U		PROJ.REVW.	HUD880115C	02/09/88	6Y	
137008		9TH ST	TIDEWATER BRANCH UNION PACIFIC RAI	MODESTO	P	1912	HIST.RES.	DOE-50-02-0013-0000	12/12/02	6Y	
							PROJ.REVW.	FHWA0210158	12/12/02	6Y	
057963	50-000619	9TH ST	SOUTHERN PACIFIC RAILROAD DEPOT, S	MODESTO	C		HIST.SURV.	5352-0108-0000			

PROPERTY-NUMBER	PRIMARY-#	STREET.ADDRESS.....	NAMES.....	CITY.NAME.....	OWN	YR-C	CHP-PROG..	PRG-REFERENCE-NUMBER	STAT-DAT	NRS	CRIT
079380	50-000620	0 9TH ST	NINTH & MEDDHAM STREET COMMERCIAL	MODESTO	P	1950	HIST.RES.	DOE-50-92-0005-9999	11/13/92	6Y	
							PROJ.REVW.	FHWA920923B	11/13/92	6Y	
079379	50-000621	102 9TH ST	ASSOCIATED OIL COMPANY	MODESTO	P	1910	HIST.RES.	DOE-50-92-0004-0000	11/13/92	6Y	
							PROJ.REVW.	FHWA920923B	11/13/92	6Y	
L37007		402 9TH ST	UNION PACIFIC RAILWAY OFFICE/ TIDE	MODESTO	P	1935	HIST.RES.	DOE-50-02-0011-0000	12/12/02	6Y	
							PROJ.REVW.	FHWA021015B	12/12/02	6Y	
073073	50-000622	1029 9TH ST	RAILWAY EXPRESS AGENCY, R. J. SWEE	MODESTO	P	1919	NAT.REG.	50-0004	08/31/89	7J	
079384	50-000623	1518 9TH ST	MODESTO VETERINARY HOSPITAL	MODESTO	P	0	HIST.RES.	DOE-50-92-0009-0000	11/13/92	6Y	
							PROJ.REVW.	FHWA920923B	11/13/92	6Y	
079382	50-000624	1602 9TH ST	OLD MILL CAFE	MODESTO	P	1935	HIST.RES.	DOE-50-92-0007-0000	11/13/92	6Y	
							PROJ.REVW.	FHWA920923B	11/13/92	6Y	
057745	50-000625	117 ACHOR CT		MODESTO	P	1927	HIST.SURV.	5352-0070-0000		7R	
057746	50-000626	119 ACHOR CT		MODESTO	P	1926	HIST.SURV.	5352-0071-0000		7R	
057559	50-000627	203 ACHOR CT		MODESTO	P	1925	HIST.SURV.	5352-0004-0000		7R	
057560	50-000628	522 ADAM AVE		MODESTO	P	1922	HIST.SURV.	5352-0005-0000		5S2	
057561	50-000629	529 ADAM AVE		MODESTO	P	1926	HIST.SURV.	5352-0006-0000		7R	
057775	50-000630	815 ALICE AVE		MODESTO	P	1940	HIST.SURV.	5352-0098-0003		7R	
057776	50-000631	816 ALICE AVE		MODESTO	P	1914	HIST.SURV.	5352-0098-0004		5D2	
057774	50-000632	823 ALICE AVE		MODESTO	P	1918	HIST.SURV.	5352-0098-0002		5D2	
057773	50-000633	915 ALICE AVE		MODESTO	P	1941	HIST.SURV.	5352-0098-0001		7R	
057859	50-000634	ALICE ST	NORTH ADDITION WISECARVER TRACT	MODESTO	P	1912	HIST.SURV.	5352-0098-9999		5D2	
057937	50-000635	616 ALICE ST		MODESTO	P	1920	HIST.SURV.	5352-0099-0078		5D2	
057938	50-000636	717 ALICE ST		MODESTO	P	1920	HIST.SURV.	5352-0099-0079		5D2	
057588	50-000646	ALMOND AVE		MODESTO	P	1914	HIST.SURV.	5352-0025-9999		5D2	
057580	50-000638	112 ALMOND AVE		MODESTO	P	1925	HIST.SURV.	5352-0025-0001		5D2	
057581	50-000639	114 ALMOND AVE		MODESTO	P	1926	HIST.SURV.	5352-0025-0002		5D2	
057582	50-000640	117 ALMOND AVE		MODESTO	P	1922	HIST.SURV.	5352-0025-0003		5D2	
057583	50-000641	124 ALMOND AVE		MODESTO	P	1919	HIST.SURV.	5352-0025-0004		5D2	
057584	50-000642	125 ALMOND AVE		MODESTO	P	1917	HIST.SURV.	5352-0025-0005		5D2	
057585	50-000643	131 ALMOND AVE		MODESTO	P	1924	HIST.SURV.	5352-0025-0006		5D2	
057586	50-000644	139 ALMOND AVE		MODESTO	P	1924	HIST.SURV.	5352-0025-0007		5D2	
057587	50-000645	140 ALMOND AVE		MODESTO	P	1914	HIST.SURV.	5352-0025-0008		5D2	
082343	50-000646	302 ALTURAS AVE		MODESTO	P	1930	PROJ.REVW.	HUD910603J	06/11/93	6Y	
066279	50-000647	318 ALTURAS AVE	RESIDENCE	MODESTO	U		PROJ.REVW.	HUD870910D	10/28/87	6Y	
066249	50-000648	322 ALTURAS AVE	RESIDENCE	MODESTO	U		PROJ.REVW.	HUD870921U	10/21/87	6Y	
067001	50-000649	323 ALTURAS AVE		MODESTO	U		PROJ.REVW.	HUD891018L	11/22/89	6Y	
065512	50-000650	330 ALTURAS AVE		MODESTO	U		PROJ.REVW.	HUD881020M	11/14/88	6Y	
066477	50-000651	341 ALTURAS AVE	HOUSING REHABILITATION	MODESTO	P	1928	PROJ.REVW.	HUD910603bb	06/11/93	6Y	
							PROJ.REVW.	HUD880209B	03/07/88		
080879	50-000652	345 ALTURAS AVE		MODESTO	U	1928	PROJ.REVW.	HUD930311M	04/21/93	6Y	
066471	50-000653	405 ALTURAS AVE	HOUSING REHABILITATION	MODESTO	U		PROJ.REVW.	HUD880209C	03/07/88	6Y	
066064	50-000654	429 ALTURAS AVE		MODESTO	U		PROJ.REVW.	HUD890727F	08/25/89	6Y	
140420		5043 AMERICAN AVE		MODESTO	P	1916	HIST.RES.	DOE-50-00-0033-0000	11/16/00	6Y	
							PROJ.REVW.	FHWA001020A	11/16/00	6Y	
057777	50-000655	1104 ARC AVE		MODESTO	P	1923	HIST.SURV.	5352-0098-0005		5D2	
057778	50-000656	1112 ARC AVE		MODESTO	P	1940	HIST.SURV.	5352-0098-0006		7R	
057779	50-000657	1116 ARC AVE		MODESTO	P	1940	HIST.SURV.	5352-0098-0007		7R	
057780	50-000658	1120 ARC AVE		MODESTO	P	1940	HIST.SURV.	5352-0098-0008		7R	
057781	50-000659	1130 ARC AVE		MODESTO	P	1940	HIST.SURV.	5352-0098-0009		7R	
102824	50-000660	608 BENSON AVE		MODESTO	P	1940	PROJ.REVW.	HUD960624D	07/30/96	6Y	
096386	50-000661	620 BENSON AVE		MODESTO	P	1939	PROJ.REVW.	HUD950627A	07/01/95	6Y	
092889	50-000662	701 BENSON AVE		MODESTO	P	1935	PROJ.REVW.	HUD940908B	11/16/94	6Y	
101327	50-000663	803 BENSON AVE		MODESTO	P	1910	PROJ.REVW.	HUD960208H	03/19/96	6Y	
093935	50-000664	805 BENSON AVE		MODESTO	P	1943	PROJ.REVW.	HUD951215C	01/09/96	6Y	
092897	50-000665	821 BENSON AVE		MODESTO	P	1945	PROJ.REVW.	HUD940916A	11/16/94	6Y	
150628		505 BODEM ST		MODESTO	P	1920	HIST.RES.	DOE-50-04-0021-0000	03/17/04	6Y	

STATE OF CALIFORNIA – THE RESOURCES AGENCY
EDMUND G. BROWN, Jr., Governor

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
1725 23rd Street, Suite 100
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June 05, 2014

In Reply Refer To: NPS_2014_0424_003

Richard Rendón - Supervisor
Office of Grants and Local Services
1416 9th Street, Room 918
Sacramento, CA 95814

Re: Section 106 consultation for the *LWCF Project LW-50-019, Tuolumne River Regional Park Gateway, Modesto*

Dear Mr. Rendón:

Thank you for your 23 April 2014 letter and the City of Modesto's (City) Section 106 materials, and the City's 8 May 2014 response to my request for clarity on the project description and the 7th Street Bridge, initiating consultation on the above noted undertaking pursuant to 36 CFR 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA). On behalf of NPS-LWCF, OGALS requests my concurrence on the City's finding of "*No Adverse Effect*."

The City has applied for NPS-LWCF assistance for improving the Tuolumne River Regional Park. The proposed undertaking entails grading, noxious/non-native plant removal, native habitat restoration, construction of 4,000-linear feet of trail, installation of a prefabricated bridge, and construction of a fishing pier. The depth of construction was identified for only one project item; that being 5 to 9-feet for grading.

The Area of Potential Effect (APE) was determined to be a 13-acre parcel within the park that encompasses the proposed work. The APE is delineated in Exhibit A of the materials the City prepared as evidence of (2006) CHRIS (recommending no additional studies, archaeological monitoring and avoidance of the 7th Street Bridge) and Native American Heritage Commission (NAHC) record searches, and consultation with NAHC identified contacts. This work identified the 7th Street Bridge as the only cultural resource in the APE.

The 1170-foot long circa-1916, 7th Street Bridge is a steel cantilevered truss structure encased in concrete. The Caltrans Bridge Inventory identifies the bridge as an eligible property. As I understand it, the proposed undertaking only involves park land adjacent the bridge and not the bridge itself.

On February 27, 2014 the CHRIS informed the City that their 2006 record search would be adequate for the proposed undertaking as long as its use was confirmed by my office. My office provided confirmation given the City could justify that no significant changes had occurred to the project site in the intervening years. Per the City's submittal and additional communications with City staff, the park has experienced no physical changes since 2000.

Based on a review of submitted materials and the CHRIS recommendations, I **concur** with the City's finding of "*No Adverse Effect*" pursuant to 36 CFR Part 800.5(b) and add the following comments:

1. I have no objection to the City's delineation of the APE pursuant to 36 CFR Part 800.4(a)(1) but advise OGALS to always have their NPS-LWCF applicants specify the depth of construction for all components of project work.

2. I have no objection to the City's "*Level of Effort*" identifying historic properties pursuant to 36 CFR Part 800.4(b)(1).

3. I advise the City to implement archaeological monitoring (meeting the Secretary of Interior's Standards) as recommended by the CHRIS.

4. I advise the City to retain the work they prepared for this submittal as the information it contains will prove useful in future park planning efforts.

5. Be aware that ground disturbing work in the vicinity of unanticipated finds should be redirected to another project area until OGALS, on behalf of the City and NPS-LWCF, has consulted with my office pursuant to 36 CFR Part 800.13 for "*Post Review Discoveries.*"

6. Be aware that OGALS, on behalf of the City and NPS-LWCF, may have future Section 106 responsibilities for the proposed undertaking if there are any changes in project scope.

7. Be aware that guidelines for Section 106 compliance can also be found in Chapter 8 of the *National Park Service (NPS), U.S. Department of the Interior, Land and Water Conservation Fund State Assistance Program Financial Assistance Manual.* The manual is available on-line at http://www.nps.gov/ncrc/programs/lwcf/manual/lwcf.pdf

Thank you for including historic properties and my comments in your project planning. Please direct questions to Jeff Brooke at (916) 445-7003 or Jeff.Brooke@parks.ca.gov.

Sincerely,

Carol Roland Nawi, Ph.D.

Carol Roland Nawi, PhD
State Historic Preservation Officer